Washington, Thursday, April 2, 1959

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 19th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS
DESIGNATING PREMISES AS REGULATED
AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Tom Drennen Farm, c/o Colorado River Trading Co., Parker.

Hi-Jolly Date Farm, 4500 East Main Street,

CALIFORNIA

Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, P.O. Box 226, Thermal.

Will Gill & Sons Feed Yard, 13402 Road 26, Madera.

D. R. Robinson, P.O. Box 473, Thermal.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the

khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P.O. Box 44, Niland.

Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P.O. Box 662, Niland.

Martin Valdez property, located at the intersection of Roads 90 and West E, P.O. Box 403. Niland.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra bèetle quarantine and regulations.

As an informative item, the revision segregates certain regulated premises in California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective April 2, 1959, when they shall supersede P.P.C. 612, Eighteenth Revision, effective February 6, 1959 (24 F.R. 877).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of

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The following supplements are now available:

Title 26, 'Parts 80-169 (\$0.20) Parts 170-182 (\$0.20) Title 32A (\$0.40)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); 1, 1959 (\$4.75); Titles 22—23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1—79 (\$0.20); Titles 35—37 (\$1.25); Title 38 (\$0.55); Titles 40—42 (\$0.35); Title 46, Parts 146—149, 1958 Supp. 2 (\$1.50); Part 150 tend (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71—90 (\$0.70); Parts 91—164 (\$0.40)

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2561 2562 the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

Done at Washington, D.C., this 27th day of March 1959.

ESEAT.1

E. D. Burgess, Director.

Plant Pest Control Division.

[F.R. Doc. 59-2760; Filed, Apr. 1, 1959; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54819]

PART 4-VESSELS IN FOREIGN AND **DOMESTIC TRADES**

Tonnage Tax, Origin of Voyage and **Determination of Rate**

In order to clarify one of the guides or examples to be used in determining the port of origin of a voyage to the United States and the rate of tonnage tax to be collected by removing the present implication that cargo or passengers taken on board at a foreign port of origin of a voyage must be destined "for the United States," § 4.20(a) (1) of the Customs Regulations is amended to read as follows:

(1) When the vessel has proceeded in ballast from a port to which the 6-cent rate is applicable to a port to which the 2-cent rate applies and there has laden cargo or taken passengers, tonnage tax upon entry in the United States shall be assessed at the 2-cent rate.

(R.S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4219, as amended, 4225, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 121, 128)

[SEAL] D. B. STRUBINGER, Acting Commissioner of Customs.

Approved: March 24, 1959.

A. GILMORE FLUES, Acting Secretary of the Treasury.

[F.R. Doc. 59-2764; Filed, Apr. 1, 1959; 8:49 a.m.]

[T. D. 54820]

PART 4-VESSELS IN FOREIGN AND **DOMESTIC TRADES**

Passenger and Crew Lists

The Immigration and Naturalization Service of the Department of Justice recently agreed to accept an arrivaldeparture card on its Form I-94 for each passenger aboard a vessel arriving in the 118, as amended, 119, as amended, sec. 9, 22

United States in lieu of a list of passengers on customs and immigration Form I-418. Such procedure is used at the option of the shipping lines.

The Bureau has concluded that when that procedure is used, the passenger list required by § 4.7(c), Customs Regulations, need not necessarily be on customs and immigration Form I-418, provided no steerage passengers are aboard within the purview of §§ 4.50(a) and 4.51 of the regulations. In such cases, at the option of the shipping lines, a list of passengers in the form of a vessel "souvenir list," or similar form, may be accepted in lieu of such a list on Form I-418 in accordance with the regulations as amended below.

The list of crew members will be required on customs and immigration Form I-418 as heretofore.

In order to provide for the use of the new form of listing passengers, the following changes are made in the Customs Regulations:

- 1. Section 4.7(c) is amended by substituting the following for the first sentence:
- (c) The list of passengers required by the fifth subparagraph of section 431(a), Tariff Act of 1930, as amended, and the list of the crew shall be on customs and immigration Form I-418 or on a substantially similar form, except that where no steerage passengers are aboard upon arrival, the listing of the passengers may be in the form of a vessel "souvenir list," or similar list, in which the names of the passengers are listed alphabetically by class (first-class, cabin, etc.) and to which the following oath of the master is attached:

MASTER'S OATH TO THE PASSENGER LIST

I, _____, Master of the

(Nationality, name and official number of carrier)

do solemnly swear that the names of all passengers taken on board at _____

(Name of ports of embarkation) are contained in the attached list(s) showing __ passengers, none of whom are (Number)

steerage passengers (46 U.S.C. 151-163); that concerning each, the information recorded is correct, and that customs baggage declarations on customs Form 6063, 6063-B or 6064 or on DD Form 1252, have been or will be simultaneously herewith filed as required by law and regulation with the proper customs

(Master)

Subscribed and sworn to before me at _____on ____

(Secs. 431, 439, 465, 581(a), 583, 46 Stat. 710, as amended, 712, as amended, 718, 747, as amended, 748, as amended; 19 U.S.C. 1431, 1439, 1465, 1581(a), 1583)

2. Section 4.50(a) is amended by substituting "of these regulations" for "on customs and immigration Form I-418" where it appears at the end of the first sentence, and by inserting "customs and immigration" before "Form I-418" where it appears in the second sentence.

(R.S. 161, 251, sec. 431, 46 Stat. 710, as amended, sec. 624, 46 Stat. 759, secs. 2, 3, 23 Stat. Stat. 189, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1431, 1624, 46 U.S.C. 2, 3, 158)

[SEAL] D. B. STRUEINGER, Acting Commissioner of Customs.

Approved: March 24, 1959.

A. GILMORE FLUES, Acting Secretary of the Treasury.

[F.R. Doc. 59-2765; Filed, Apr. 1, 1959; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I-Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B-FOOD AND FOOD PRODUCTS PART 121-FOOD ADDITIVES

Subpart A-Definitions and Procedural and Interpretative Regulations

Correction

In F.R. Doc. 59-2625 appearing at page 2434 of the issue for Saturday, March 28, 1959, the following changes should be made:

- 1. The second word in the seventh line of § 121.9(a), reading "by", should read "be".
- 2. The first word in the second line of § 121.55(c), reading "must", should read "not".

Title 25—INDIANS

Chapter I-Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O-RIGHTS OF WAY-ROADS

PART 163 — ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Elimination of 325,000 Acres on Black River Area From List of Roadless Areas

On pages 394 and 395 of the FEDERAL REGISTER of January 16, 1959 (24 F.R. 394, 395) there was published a notice of intention to amend § 163.1. Title 25 of the Code of Federal Regulations. The purpose of the amendment is to eliminate the roadless area from a part of the San Carlos-Ft. Apache Reservation at the request of the San Carlos-Ft. Apache Tribal Council.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. More than 30 days have elapsed since this publication and no objections to the proposed amendment have been raised with this Department.

The proposed amendment to the regulations is hereby adopted, without change, and is set forth below. This amendment is effective upon publication in the FEDERAL REGISTER.

> FRED A. SEATON, Secretary of the Interior.

March 27, 1959.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 Roadless areas.

A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in non-forested coun-The following are established as roadless areas on Indian reservations:

> Name of area; reservation; and approximate acreage

Rainbow Bridge; Navajo; 1,590,000. Black Mesa: Navato: 820,000. Painted Desert; Navajo; 525,000. Wind River Mountains; Shoshone; 220,000. Columbia-San Poil Divide; Colville; 155,000.

Mt. Thomas; Ft. Apache; 130,000. Mission Range; Flathead; 125,000. Mesa Verde; Consolidated Ute; 115,000. Goat Rocks; Yakima; 105,000.

The boundaries of these areas are described in the appendix to this part.

(R.S. 161; 5 U.S.C. 22)

[F.R. Doc. 59-2751; Filed, Apr. 1, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: MTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L-MINERAL LANDS

[Circular 2015]

PART 192—OIL AND GAS LEASES Limitation of Overriding Royalties

On page 3133 of the Federal Register of May 10, 1958, there was published a notice of proposed amendment of § 192.83. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment.

After careful consideration of the comments received, the proposed amendment has been changed as set forth below, and is hereby adopted.

> ELMER F. BENNETT, Acting Secretary of the Interior.

March 25, 1959.

Section 192.83 is amended to read as follows:

§ 192.83 Limitation.of overriding royalties.

An agreement creating overriding royalties or payments out of the production of oil which, when added to overriding royalties or payments out of production of oil previously created and to the royalty payable to the United States, aggregate in excess of 17½ percent shall be deemed a violation of the terms of the lease unless such agreement expressly provides that the obligation to pay such excess overriding royalty or payments out of production of oil shall be suspended when the average production of oil per well per day averaged on the monthly basis is 15 barrels or less. The limitation on overriding royalties or payments out of production is not applicable to the production of gas.

[F.R. Doc. 59-2752; Filed, Apr. 1, 1959; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Delaware Coast

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of 9 July 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.25(b) (2) is hereby amended to prescribe the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware Coast during the Calendar Year 1959, effective on and after publication in the FEDERAL REGISTER, as follows:

§ 204.25 Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army. * .

(b) The regulations. * * *

(2) Firing in the various areas will take place on certain days other than Saturdays, Sundays and national holidays, except on one Sunday in April 1959, as listed in public notice to be issued about 1 January of each year by the District Engineer, U.S. Army Engineer District, Philadelphia, Pennsylvania.

Note: Firing in the various areas is scheduled for the following days in 1959 (all dates inclusive):

April 19 or 26 (in order to allow familiarization firing prior to active duty training, firing will be conducted in the North Range between 9:00 a.m. and 12:00 noon and between 1:00 p.m. and 6:00 p.m., e.s.t., on Sunday, 19 April 1959. In the event of un-favorable weather conditions on that date, this firing will be conducted during the same hours on Sunday, 26 April 1959).

July 1 to 3, 6 to 10, 13 to 17, 20 to 24, 27 to 31.

August 3 to 7.

[Regs., Mar. 19, 1959, 285/91 (Atlantic Ocean. Del.)—ENGWO] (40 Stat. 892; 33 U.S.C. 3)

R. V. LEE, -Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59-2737; Filed, Apr. 1, 1959; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 32153]

PART 10-UNIFORM SYSTEM - OF ACCOUNTS FOR RAILROAD COM-**PANIES**

Freight-Train Car-Miles

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of March A.D. 1959.

The matter of car-mile accounts provided for in accounting regulations prescribed for line-haul railroad companies (which are not independently operated as electric lines) being under consideration pursuant to provisions of section 20(3) of the Interstate Commerce Act, as amended; and,

It appearing, that an existing rule should be modified as hereinafter ordered for application to circumstances which did not exist when the rule was adopted, which modification was requested by representative accounting officers on behalf of all carriers subject to the rule and which being interpretative in nature is not deemed to be subject to the public rule making requirements of section 4(a) of the Administrative Procedure Act:

It is ordered, That effective May 1, 1959, § 10.821 Freight-train car-miles, be, and it is hereby, modified by inserting the following new and additional paragraph (c):

(c) Miles run by flat cars loaded with empty railroad-owned or controlled highway trailers shall be classed as "empty" car-miles. Miles run by flat cars loaded with empty highway trailers, other than railroad-owned or controlled and moving on revenue billing, shall be classed as "loaded" car-miles.

And it is further ordered, That a copy of this order shall be served on each linehaul carrier by railroad subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of. any such carrier, and notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Federal Register Division.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12 and 20, as amended)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY. Secretary.

[F.R. Doc. 59-2759; Filed, Apr. 1, 1959; 8:48 a.m.]

¹The appendix to this part is not codified. It appears, however, at 3 F.R. 709-711, Mar. 22, 1938.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service
I 7 CFR Part 319 I

FOREIGN QUARANTINE NOTICES

Proposed Amendment of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), is considering the amendment of § 319.37(b) of the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37(b), 23 F.R. 1715, 7165), and §§ 319.37–2a(b) and 319.37–4 (a) and (b) of the regulations supplemental to said quarantine (7 CFR 319.37—2a(b), 319.37—4 (a) and (b), 23 F.R. 7033) in the following respects:

a. Amend § 319.37(b) by adding "Lens spp. seeds", in its proper alphabetical order, in the tabular column therein headed "Plant Material", and by adding, with respect to "Lens spp. seeds", in the tabular columns headed "Foreign country or countries from which prohibited" and "Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material", respectively, the items "All South American countries" and "A rust fungus (a form of Uromyces fabae (Pers.) d By)."

b. Amend § 319.37–2a(b) by changing the parenthetical phrase therein to read "(except seeds of Lathyrus, Lens spp., okra, and Vicia)".

c. Amend § 319.37-4(a) and the first sentence of § 319.37-4(b), respectively, to read as follows:

§ 319.37-4 Seeds.

(a) Seeds importable without individual permits. Seeds of field crops, vegetables, and annual, biennial, and perennial flowers which are essentially herbaceous in character, except seeds of Lathyrus, Lens spp., okra, and Vicia, may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37–2.

(b) Seeds importable under permit. All seeds not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine, and not restricted in any other quarantine, and including seeds of Lathyrus, okra, and Vicia; and seeds of Lens spp. from other than South American countries; which are free from pulp of a character which will support living larvae of fruit flies or other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. * * *

The primary purpose of these amendments is to prohibit the importation from all South American countries of seeds of lentil, Lens culinaris Medik. (L. esculenta Moench) and seeds of other species of the genus Lens. This action should be taken because of the danger of introducing with such seeds a disease caused by a rust fungus identified as a form of Uromyces fabae (Pers.) d By. This disease is reported as having caused heavy losses to the lentil crop in certain South American countries during the past two years. Uromyces fabae in one form or another is a cosmopolitan organism, attacking several genera of the family Leguminosae, including sweet pea, garden pea, and vetch in the United States and elsewhere. However, it has never been reported as attacking lentil in the United States. Until recently it had not been reported as attacking that host in other parts of the world.

The purpose of amending §§ 319.37—2a(b) and 319.37—4 (a) and (b) is to require that a formal permit be secured for the importation of seeds of the genus Lens from all parts of the world other than South America in order to place them under necessary plant quarantine safeguards.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the Federal Register.

(Secs. 1, 5, 7, and 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 162)

Done at Washington, D.C., this 27th-day of March 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-2761; Filed, Apr. 1, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration
I 21 CFR Part 121 1
FOOD ADDITIVES

Notice of Filing Pétition for Regulation Establishing Tolerance for Glyceryl Lactostearate (A Mixture of the Lactic Acid Esters of the Mono- and Diglycerides of Stearic Acid) in or With Shortening

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. '1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by The Procter and Gamble Company, Cincinnati 17, Ohio, proposing the issuance of a regulation to establish a tolerance of 80,000.0 parts per million (8.0 percent) of glyceryl lactostearate when used as an emulsifier in or with shortening. The tolerance proposed is on the basis of the combined weight of the food additive and the shortening.

Dated: March 26, 1959.

[SEAL]

JOHN L. HARVEY, Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-2750; Filed, Apr. 1, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12816; FCC 59-251]

TELEVISION BROADCAST STATION; APPLETON, MINN.

Table of Assignments

In the matter of amendment of § 3.606 Table of assignments, Television Broadcast Stations (Appleton, Minnesota).

- 1. Notice is hereby given of proposed rule making in the above-entitled matter.
- 2. The Commission has before it for consideration a petition filed on March 3, 1959, by the Joint Council on Educational Television (JCET), requesting the institution of rule making to amend \$ 3.606 of the Table of Assignments, Television Broadcast Stations, by adding the following assignment to Appleton, Minnesota:

City	Channel No.			
	Present	Proposi d		
Appleton, Minn		*10-		

3. In support of its request, petitioner alleges that the assignment of Channel 10, with a minus, to Appleton, Minnesota, would meet all the requirements of the Commission's rules without any change in channel offsets or locations of other Channel 10 stations or assignments; that such a station would serve a large por-tion of western Minnesota not now reached by any existing or proposed educational television station; that a VHF Channel 10 educational station in Appleton would be an important link in the development of a currently planned re-gional educational television network interconnecting educational television stations in Minnesota, Iowa, Nebraska, North and South Dakota, and Wisconsin; that a rural area such as Appleton will benefit greatly from educational television; and that considerable interest in the Appleton community in support of an educational television station is manifested in statements, which are attached to the petition, from the Superintendent of the Appleton Public Schools, the Mayor of the Village of Appleton, and the Secretary of the Appleton Association, respectively:

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit views

and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

- 6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 30, 1959, a written statement or brief setting forth his comments. Comments in the support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comment is established.
- 7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 25, 1959. Released: March 30, 1959.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, Secretary.

8:50 a.m.]

[47 CFR Part 31]

[Docket No. 12811; FCC 59-232]

UNIFORM SYSTEM - OF ACCOUNTS FOR CLASS A AND CLASS B TELE-PHONE COMPANIES

Accounting for Certain Installations of Specially Designed or Costly Station Equipment

1. By letter dated March 26, 1958, the American Telephone and Telegraph Company (AT&T), on its own behalf and on behalf of the Bell System telephone companies, requested a waiver, effective January 1, 1958, of the applicable provisions of Part 31 of the Commission's rules so as to permit the inclusion in account 234, "Large private branch exchanges," of the investment in certain equipment used in providing service to the United States Air Force. The service is a part of the Semi-Automatic Ground Environment (SAGE) system of air defense. The present rules acquire that the investment in the equipment under consideration be included in ac-

counts 231. "Station apparatus," and 232, "Station connections."

- 2. AT&T stated in its request for waiver of the rules that the Bell System's investment in the equipment in question at January 1, 1958, was approximately \$2,300,000 and that ultimately the total of such investment is expected to be approximately \$10,000,000. The equipment involved was described as follows:
- (1) The portion of the SAGE Special Terminating Equipment installed in Air Force buildings or other structures at air-ground sites and at gap filler radar and other small sites, which portion consists of such items as receiver remote control unit; patch, test and alarm panel; route switching equipment; and

digital data equipment.
(2) The equipment of 112A Key Systems designed for and used at any of the SAGE locations.

- 3. AT&T's letter requesting waiver of the rules also stated that it intended to petition the Commission for rule making to amend accounts 231, 232, and 234 with respect to the subject equipment as well as possibly other similar equipment. The reasons given by AT&T in support of its request for waiver of the rules were substantially the same as those set out hereinafter as contained in its petition for rule making.
- 4. On April 25, 1958, the Commission in a letter to AT&T granted a waiver of the Commission's rules to permit the inclusion of the equipment described in paragraph 2 above in account 234 retroactively to January 1, 1958, with the understanding that AT&T would file a petition for rule making within a reason-. able period. A copy of that letter was sent to the United States Independent Telephone Association.
- 5. In a letter dated October 16, 1958, AT&T, on its own behalf and on behalf of the Bell System telephone companies, requested that Part 31 be amended to provide for the inclusion in account 234 of the aforementioned SAGE equipment [F.R. Doc. 59-2771; Filed, Apr. 1, 1959; as well as some other special items of equipment presently includible in accounts 231 and 232. The other special equipment involved consists mainly of the following:
 - (1) Certain other large installations of key equipment,
 - (2) Switching equipment at nonautomatic switching centers of large private line teletypewriter systems.
 - (3) Television equipment on customers' premises, other than portable equipment subject to use in central offices, and
 - (4) Certain kinds of dial PBX's which usually accommodate fewer than 100 lines, although their design permits them to grow beyond 100 lines.

AT&T estimated that the Bell System's investment at January 1, 1959, in the other special items enumerated above would be about \$110,000,000 of which approximately \$76,000,000 would be in account 231 and \$34,000,000 in account 232.

6. AT&T's belief that the investment in these special types of equipment should be included in account 234 is based on (a) the differences between such equipment and ordinary station apparatus and (b) the resulting conclusion that the procedures designed for accounts 231 and 232 are generally not

appropriate for dealing with the investment in such equipment. In further explanation of these two considerations, AT&T stated:

With respect to the first of these considerations, the equipment in question is different from ordinary station apparatus in these

1. It is property of specialized or individualized type rather than mass type.

2. To a great extent, it consists of speciallydesigned assemblies or arrangements of circuit components rather than of items which are normally factory manufactured and assembled, such as telephones, teletypewriters, and small PBX's. The installation work is, of course, correspondingly more complicated than for items which are completely factory manufactured and assembled.

3. The equipment as assembled is generally expected to have only one location life. This is in contrast with the expectation of several location lives for ordinary station apparatus which gave rise to the cradle-to-grave philos-

ophy.
With respect to the second consideration mentioned above, the procedures designed for Accounts 231 and 232 are generally not appropriate for the equipment investment in question, mainly because:
1. Installation costs of the equipment are

so remotely associated with "stations" that their inclusion in Account 232 and their retirement on the basis of outward station

movement are not entirely satisfactory.

2. The equipment does not lend itself to the kind of unitization prescribed for Account 231. This is due to its specialized and generally complex nature, as mentioned above, which makes establishing suitable "disposition units" difficult. The proper evaluation of retirements requires some engineering analysis as is now the case for piecemeal retirements from Account 234.

3. Most of this equipment should be carried at actual cost by location (or given other specialized treatment to insure appropriate retirements) and this can be more readily accomplished with the investment in Account 234 where actual cost by location is normal for all of the investment. Furthermore, with the investment in Account 234, the accounting for partial retirements from a location subject to actual cost is simpler than with the investment split between Account 231, which is on a cradle-to-grave basis, and Account 232, which is not.

7. In addition to the rules language changes it considers necessary to allow the desired transfers of investment out of accounts 231 and 232, AT&T suggests certain other changes intended to clarify the intent of the present rules. These changes are the addition of language in paragraphs (b) and (d) of account 232 and in Note C to that account, and the revision of the first Item in account 605, "Repairs of station equipment."

8. In addition to the changes proprosed by AT&T, it is also proposed herein that certain other clarifying amendments be made. In this connection it is proposed to delete the second sentence of the text in paragraph (d) of account 232. A related change proposed is to delete a portion of the fourteenth item in account 605 so that it will relate to all replacements of one small private branch exchange by another and not be limited to instances in which the replacing PBX is of the same capacity and type as the one replaced. These proposed changes are for clarification and to remove what may be a conflict in language. The account 232(d) sentence in question implies that there may be occasions when

the replacement of a small PBX or booth requires the charging of the cost of installation or connection of the replacement to account 232 and a retirement from account 232 for the property replaced. This appears to conflict with a provision in account 605 that it shall be charged with costs of replacing station apparatus with no exceptions mentioned other than an element of uncertainty of meaning resulting from the fourteenth item. In its present form this item might seem to limit the costs of replacement of small PBX's chargeable to account 605 to cases where the replacement equipment is of the same capacity and type were it not for § 31.01-8 of our rules where it is stated that item lists are not all-inclusive but merely representative and that the proper entry in each instance must be determined by the text of the account rather than by an item under the account. We understand that the Bell System telephone companies, as well as other telephone companies about which we are informed, charge account 605 in every instance with the cost of replacing station apparatus (excluding the cost of material other than repair parts). The deletions proposed should remove all possible question of the permissibility of this accounting practice.

9. It is proposed to amend Part 31 as set forth below. While generally carrying out what is believed to be the intent of the changes proposed by AT&T, the language below is believed to be more explicit than that submitted by the Company. The proposed amendments do not specifically refer to SAGE equipment (AT&T did not propose to do so either) because it is believed that the text of account 234 should be left flexible and broad enough to include all similar types of equipment installed under like circumstances.

10. No amendments are being proposed for Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's rules. Part 33 contains no account for large private branch exchanges or any other subscriber equipment where material and installation costs are combined in one account. Consequently, to accomplish what is sought to be accomplished in Part 31 would require extensive revision of Part 33. It is probable that Class C telephone companies with their relatively small numbers of property units have more records of individual unit costs than large companies. It would seem that Part 33 presents no problem to telephone companies comparable to that found in Part 31 which the amendments proposed herein are designed to

11. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by section 220(g) of the Communications Act. AT&T, however, has requested that telephone companies desiring to do so be permitted to make the amendments effective retroactively to January 1, 1959. The Commission proposes to permit those telephone companies which desire to do so to place any

amendments which may be adopted in this proceeding into effect retroactively to January 1, 1959.

12. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

13. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before April 30, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

14. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: March 25, 1959.

Released: March 30, 1959.

- Federal Communications
Commission,

[SEAL] MARY JANE MORRIS, Secretary.

§ 31.231 [Amendment]

1. In the item list of § 31.231, amend items 24, 25 and 27 to read as follows:

Private branch exchange equipment—nonmultiple manual and cordless switchboards and dial equipment of types designed to accommodate fewer than 100 lines and which cannot normally be expanded to more than 99 lines.

Program supply equipment—other than television.

Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and other devices used as parts of intercommunicating systems. (See also account 234.)

§ 31.232 [Amendment]

- 2. Amend § 31.232 as follows:
- a. Amend paragraph (b) to read as follows:
- (b) When station apparatus is installed, except as part of a replacement or an inside move, the cost of installation shall be charged to this account. The original cost (actual or estimated average unit cost) of any portion of the station connections which is thereby returned to service shall also be charged to this account and credited to account 171, "Depreciation reserve."
- b. Amend paragraph (d) to read as follows:
- (d) When a station (or other item of station apparatus with which station

connections are associated in the company's retirement practices) is physically removed, except as part of a replacement or an inside move, the original cost (actual or estimated average unit cost) of the associated station connections carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve."

c. Amend Note A to read as follows:

Note A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

d. Amend Note C to read as follows:

NOTE C: The cost of disconnecting or removing station apparatus and station connections, except when done as part of a replacement or an inside move, shall be charged to account 171, "Depreciation reserve." However, provisional denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

§ 31.234 [Amendment]

- 3. Amend § 31.234 as follows:
- a. Amend the text to read as follows:

§ 31.234 Large private branch exchanges.

This account shall include the original cost, including cost of installation, of multiple manual private branch ex-changes, and of dial system private branch exchanges of types designed to accommodate 100 or more lines or which can normally be expanded to 100 or more lines, installed either for customers' or the company's use. This account shall also include the original cost of other large installations of station equipment (a) which do not constitute stations, (b) which require special or individualized treatment because of their complexity. special design, or other distinctive characteristics, and (c) for which individual or other specialized cost records are appropriate. (See also account 231.)

b. In the item list amend items 2 and 8 to read as follows:

Dial system private branch exchanges of types designed to accommodate 100 or more lines or which can normally be expanded to 100 or more lines, including any nonmultiple manual switchboards used as attendants' positions in connection with such dial system exchanges.

Switching equipment at switching or relay centers of large private line teletypewriter systems.

c. In the item list insert the following new items:

Switching and signaling devices in large installations, such as certain key systems for governmental agencies, including relay rack equipment, apparatus cabinets, key cabinets, key boxes, and other components of such systems.

Television program supply equipment and other television equipment on customers' premises except portable equipment subject to use in central offices.

§ 31.605 [Amendment]

- 4. Amend the item list in § 31.605 as follows:
- a. Revise items 1 and 14 to read as follows:

Changing type of telephone, such as from nondial to dial or from one color to another. Replacing one small private branch exchange by another.

b. Insert a new item to read as follows: Replacing defective station apparatus.

IF.R. Doc. 59-2770; Filed, Apr. 1, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management **ALASKA**

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Indian Affairs has filed an application, Serial Number A. 044828 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for a school reserve.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of. record.

The lands involved in the application are:

ANCHORAGE BAY (CHIGNIK)

Beginning at Corner No. 2, M.C., of U.S. Survey 1066; thence South 20°05' E., 0.50 chains; thence South 37°21' E., 1.67 chains to a point on the meander line of Survey 1066 along Indian Creek; thence South 1.50 chains, more or less, to a point on the Southerly bank of Indian Creek and the true point of beginning; thence South 45° W. 4 chains; thence South 45° E., 4 chains; thence Chains; thence South 45 E., 2 chains, inches to North 45° E., 4 chains, more or less, to the Southwesterly bank of Indian Creek; thence Northwesterly following the Southwesterly meanders of Indian Creek to the true point of beginning.

Containing approximately 1.5 acres.

GEORGE E. M. GUSTAFSON. Acting Operations Supervisor, Anchorage.

8:47 a.m.1

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

March 24, 1959.

The National Park Service of the Department of the Interior has filed an application, Serial Number Colorado 017977, for the withdrawal of the lands described below from all forms of appropriation except grazing permits issued under Section 3 of the Taylor Grazing Act, subject to valid existing rights. The applicant desires the land for development of headquarters facilities, including residential and utility areas and the relocation of the entrance road for Mesa Verde National Park.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO T. 36 N., R. 14 W.,

Sec. 29, All portions of the NW1/4NW1/4. SE'4 NW 1/4 and W 1/2 SE'4 lying south of right-of-way for U.S. Highway 160, as shown on the plat accompanying rightof-way application of the Colorado Department of Highways, Colorado 07465 approved July 22, 1954.

Sec. 30, SW1/4SE1/4.

The above areas aggregate approximately 70 acres of public land.

> J. ELLIOTT HALL. Lands and Minerals Officer.

[F.R. Doc. 59-2753; Filed, Apr. 1, 1959; [F.R. Doc. 59-2754; Filed, Apr. 1, 1959; 8:47 a.m.l

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

March 25, 1959.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number I-010203 for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws including the Mining Laws, but not the Mineral Leasing Laws. The applicant desires the land for use by the State of Idaho, Department of Fish and Game, as the Blackfoot Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application-

BOISE MERIDIAN, IDAHO

Sec. 11, Lot 6; Sec. 12, Lot 6; Sec. 14, Lots 4, 14; Sec. 15, Lots 8, 10, 11; Sec. 20, Lots 15, 16; Sec. 21, Lots 6, 7, 10, 11, 12, 17; Sec. 22, Lots 9, 11, 12, 13, 14, 15, NE1/4NW1/4; Sec. 23. Lot 16: Sec. 29, Lots 8, 11, 15, 16;

Sec. 30, Lot 7; Sec. 31, Lots 13, 14.

T. 3 S., R. 34 E.

The above lands contain 625.14 acres and comprise islands in the Snake River located from four to ten miles southwesterly of the City of Blackfoot, Idaho, in Bingham County.

> MICHAEL L. SOLAN. Acting State Supervisor.

[F.R. Doc. 59-2755; Filed, Apr. 1, 1959; 8:48 a.m.]

0 [Classification No. 563]

CALIFORNIA

Small Tract Classification; Partial Opening and Order Providing for **Opening of Public Lands**

March 27, 1959.

· 1. Effective March 27, 1959, the following described lands listed under paragraph 1 of Federal Register Document 57-4460 appearing on page 3895 of the issue for June 4, 1957, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 3 E., Sec. 4, S½SW¼NW¼, S½NE½SW¼NW½; Sec. 5, N½NE¼, N½SW¼NE¼, SE¼NE¼;

Sec. 9, N½N½NW¼; Sec. 12, NW¼NW¼NE¼, N½SW¼NW¼ NE¼, E½SE¼SW¼; Sec. 13, W½W½NE¼, E½E½NW¼, S½ S½, W½NW¼SE¼; T. 3 N. R. 4 E.,

Sec. 3, N/2 NW 1/4 NE 1/4, N 1/2 SW 1/4 NW 1/4 NE 1/4, SE 1/4 NW 1/4 NE 1/4, SE 1/4 NE 1/4; Sec. 8, E 1/2 SW 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4, SW 1/4 SE 1/4; SW 1/4 SE 1/4;

SW 48E48E4; Sec. 10, SW 48W 4NE4, NW 4NE 4NW 4, S 12, NE 4 4 NW 4, SW 4, W 12, SE 4, W 4 SE 4 4, SE 4 SE 4 SE 4; T. 4 N., R. 3 E,

Sec. 21. All:

Sec. 30, N1/2 Lot 2 of SW1/4 (NW1/4SW1/4).

The areas described total 1,643.3 acres

2. The lands are located about 15–20 miles east of the town of Lucerne Valley, California and 25 miles northwest of the town of Yucca Valley, in the region known as Johnson Valley. The Victor-ville-Twentynine Palms Highway, a paved county road, passes through the valley in the vicinity of the lands.

The lands lie at an elevation ranging from about 2,800 to 3,400 feet above sea level. The topography is generally undulating to slightly rolling and dissected by numerous washes of varying sizes. The soil is sandy loam and supports a dominant vegetative cover of creosote bush and bur sage. The lands are not suitable for agricultural development and also, not proper for disposal for

small tract purposes.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. The lands are closed to filing of small tract applications for an indefinite period under an order issued effective May 31, 1957, by the Director, Bureau of Land Management.

4, Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws except as indicated in paragraph 3 above, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph,

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (52 Stat. 747; 43 U.S.C. 279 through 284 as amended), presented prior to 10:00 a.m., on May 2, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on August 1, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a.m., on August 1, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a.m., on August 1, 1959. .

5. Persons claiming veteran's preference rights under paragraph 4a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, U.S. Land Office, Bureau of Land Management, Bartlett Building, 215 West Seventh Street, Los Angeles, California.

ROLLA E. CHANDLER, Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F.R. Doc. 59-2756; Filed, Apr. 1, 1959; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TC 426.85]

ELECTRIC CAST CUTTERS

Notice of Prospective Tariff Classification

March 26, 1959.

It appears probable that a correct interpretation of paragraph 359, Tariff Act of 1930, as modified, requires that De Soutter electric cast cutters be classified thereunder as surgical instruments composed wholly or in part of metal, with duty at the rate of 45 percent ad valorem, which is higher than the rate assessed on such articles under an established and uniform practice. A cutter of the kind in question resembles an elec-

tric hand drill in appearance, but the cutting blade has an oscillating, rather than a rotating, movement.

Information before the Bureau is to the effect that the chief use of this cast cutter is by orthopedic surgeons and/or by specially trained technicians associated with orthopedic surgeons in the removal of casts. This device, or a device which will do the same thing, e.g., a hand cast cutter, is understood to be an essential part of the equipment of orthopedic surgeons to enable them efficiently to practice their profession.

Pursuant to § 16.10a(d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise under the provision in paragraph 353, Tariff Act of 1930, as modified, for articles having as an essential feature an electrical element or device, such as portable tools, with duty at the rate of 13¾ percent ad valorem is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of the electric cast cutters which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice.

[SEAL] RALPH KELLY, Commissioner of Customs.

[F.R. Doc. 59-2766; Filed, Apr. 1, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6908]

GREAT LAKES ENFORCEMENT CASE Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on April 15, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 30,

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-2763; Filed, Apr. 1, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12024 etc.; FCC 59M-401]

RUSSELL G. SALTER, INC., ET AL.

Order Continuing Hearing

In re applications of Russell G. Salter, Inc., Dixon, Illinois, Docket No. 12024, File No. BP-10858; David M. Taylor tr/as Dixon Broadcasting Co., Dixon, Illinois, Docket No. 12652, File No. BP- 11298; WRAC, Inc. (WRAC), Racine, Wisconsin, Docket No. 12653, File No. BP-11946; for construction permits.

It is ordered, This 27th day of March 1959, pursuant to the agreement reached in the prehearing conference held on March 26, 1959, that the hearing in the above-entitled proceeding is continued from April 1, 1959, to April 6, 1959.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2772; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12176 etc.; FCC 59M-402]

KTAG ASSOCIATES (KTAG-TV) ET AL.

Order Continuing Hearing

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT-4682; for modification of construction permit. Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations. Camellia Broadcasting Company, Inc. (KLFY-TV), Lafayette, Louisiana, Docket No. 12436, File No. BMPCT-4711; for modification of construction permit.

By agreement of the parties: It is ordered, This 27th day of March 1959, that the hearing in the above-entitled proceeding, presently scheduled for May 6, 1959, is hereby continued to June 1, 1959, in the offices of the Commission, Washington, D.C.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2773; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket Nos. 12605, 12606; FCC 59M-394]

WABASH VALLEY BROADCASTING CORP. (WTHI-TV) AND LIVESAY BROADCASTING CO., INC.

Statement and Order After Prehearing Conference

In re applications of Wabash Valley Broadcasting Corporation (WTHI-TV), Terre Haute, Indiana, Docket No. 12605, File No. BRCT-193; for renewal of license. Livesay Broadcasting Co., Inc., Terre Haute, Indiana, Docket No. 12606, File No. BPCT-2514; for construction permit for new television broadcast station (Channel 10).

At the prehearing conference today, among other things, the following schedule was agreed upon:

Date for Exchange Proposed Exhibits: May 15, 1959.

Date for Further Prehearing Conference for discussion of proposed exhibits and any other pertinent matters: May 25, 1959, 10 a.m.

Date for Hearing to begin: June 8, 1959, 10 a.m.

There will be no written testimony, as such.

So ordered, This 26th day of March 1959.

Released: March 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2774; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12627 etc.; FCC 59M-391]

ROBERT C. CRABB ET AL. Order Continuing Hearing

In re applications of Robert C. Crabb, Los Angeles, California, Docket No. 12627, File No. 1387–C2–P/ML-58; Farrell Mc-Kean, d/b as Business and Professional Telephone Exchanges, Los Angeles, California, Docket No. 12628, File No. 1603–C2–P–58; Lyman G. Berg (Station KMD691), San Diego, California, Docket No. 12630, File No. 1937–C2–P–58; George W. Smith, Santa Ana, California, Docket No. 12631, File No. 2797–C2–P–58; Benjamin H. Warner, Jr., Santa Ana, California, Docket No. 12632, File No. 2801–C2–P–58; one-way signaling stations in Domestic Public Land Mobile Radio Service.

On the oral request of counsel for the Common Carrier Bureau and without objection by the other parties: It is ordered, This 26th day of March 1959, that the hearing now scheduled for April 6, 1959, is continued to Wednesday, April 15, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 27, 1959.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2775; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12688; FCC 59M-395]

SOUTHERN GENERAL BROADCAST-ING CO., INC. (WTRO)

Order Continuing Hearing

In re application of Southern General Broadcasting Company, Inc. (WTRO), Dyersburg, Tennessee, Docket No. 12688, File No. BP-11422; for construction permit.

The Hearing Examiner having under consideration a petition filed on March 26, 1959, by Southern General Broadcasting Company, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for March 30, 1959, be continued to April 15, 1959;

It appearing, that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition, and good cause has been shown for the proposed continuance:

shown for the proposed continuance:

It is ordered, This 27th day of March 1959, that the petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to April 15, 1959, at 10 a.m., in Washington, D.C.

Released: March 27, 1959.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-2776; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12690; FCC 59M-398]

LOS BANOS BROADCASTING CO.

Order Continuing Hearing

In re application of James H. Rose, tr/as Los Banos Broadcasting Company, Los Banos, California, Docket No. 12690, File No. BP-11874; for construction permit.

The Hearing Examiner having under consideration the motion for continuance of the prehearing and hearing dates in the above-entitled proceeding filed on March 25, 1959, by Los Banos Broadcasting Company;

It appearing, that in view of the filing of the said petition only one day prior to the prehearing scheduled for March 26, 1959, action thereon prior to such prehearing was impractical and accordingly such prehearing was held and attended by all parties other than the applicant:

It further appearing, that at the said prehearing conference all parties in attendance, although not consenting to grant of the said request, stated they would not actively oppose it in view of petitioner's representation that he will be ready to participate in all required conferences and hearings with no further foreseen delay should the instant request be granted and that the instant request is predicated on the fact of petitioner having received military orders making it mandatory for him to be absent from the continental United States until May 8, 1959:

It further appearing, that, although as asserted at the said prehearing conference the personal attendance of the applicant was not necessarily mandatory had he elected to be otherwise represented, the unforeseen nature of the contingency occasioning the instant request for further continuance constitutes adequate good cause for a grant thereof with the admonition that only exceptional circumstances will be deemed to constitute cause for any further delay in the proceeding:

It is ordered, This 26th day of March 1959 that the said petition is granted insofar as it requests a continuance of the hearing date, that a further prehearing conference will be held herein on May 21,

1959, and that the hearing is continued to June 18, 1959.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-2777; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12713; FCC 59M-404]

INTRASTATE BROADCASTERS

Memorandum Opinion and Order Continuing Hearing

In re application of Harriscope, Inc., Abbott London & Saul R. Levine, d/b as Intrastate Broadcasters, Pomona, California, Docket No. 12713, File No. BP-11687; for construction permit.

- 1. The Hearing Examiner has under consideration (1) a motion for continuance of the above-entitled proceeding, and (2) a petition to remove application from hearing docket and place in pending file, both pleadings having been filed March 13, 1959, on behalf of Ben S. Mc-Glashan, licensee of Radio Station KGFJ, Los Angeles, California, respondent herein, hereinafter sometimes referred to as respondent; and (3) an. opposition to motion for continuance, and (4) an opposition to petition to remove application from hearing docket and return and place in pending file, both of which were filed March 18, 1959, on behalf of the above-entitled applicant.
- 2. Oral argument in the above-entitled proceeding was held March 20, 1959.
- 3. In the petition to remove the application from hearing docket and place in pending file, respondent alleges that the 5 uv/m daytime contour of the proposed station encompasses the island of Guad-alupe, which island is in the Pacific Ocean approximately 165 miles west of the lower California peninsula. It is respondent's contention that as the island of Guadalupe is Mexican territory. the granting of the instant application would be inconsistent with the agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, which agreement was signed in Mexico City on January 29, 1957, but which has not been ratified by the United States Senate. That agreement in so far as it relates to the matter under consideration provides that no United States station may be licensed on the frequency 1220 kc if the United States station places a signal in excess of 5 uv/m at the boundary of Mexico.
- 4. Section 1.352(c) (1) of the Commission's rules provides, in pertinent part, as follows:

Whenever it appears, with respect to any application which has been designated for hearing by itself * * * that a grant of the application * * * would be inconsistent with the NARBA or the U.S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country, and where the hearing involved has not been commenced, such application * * * will be

removed from the hearing docket and placed in the pending file. Where the hearing involved has commenced, such application * * * will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission.

- 5. Respondent contends that the facts alleged in his petition require that the application herein involved be removed from the hearing docket and returned to the pending file. Respondent's motion for continuance is predicated on the assumption that the proposed operation would violate the U.S./Mexican agreement.
- 6. The applicant denies that its engineering proposal is in conflict with the U.S./Mexican broadcast agreement. Applicant contends that said treaty applies only to those situations in which the proposed United States station would place a signal in excess of 5 uv/m across the common boundary between the United States and Mexico and that the words "boundary" or "boundaries" used in the treaty refer to the common boundary between the United States and Mexico and do not encompass an island in international waters approximately 170 miles west of the lower California peninsula. Applicant contends that the term "Mexican border" as used in § 3.25 of the Commission's rules has the same meaning as the term "at the boundary of the country" used in the treaty. Applicant alleges that the Commission has found that its application is consistent with the provisions of § 3.25 of its rules and with the U.S./Mexican agreement. Applicant thus denies that the proposed operation is in conflict with the U.S./Mexican treaty and such being the case, the application should not be removed from hearing and returned to the pending file. Applicant's opposition to the written motion for continuance is predicated on the assumption that its interpretation of the U.S./Mexican treaty as summarized above is correct.
- 7. At the oral argument on March 20, 1959, counsel for the applicant requested that he be given at least until April 3, 1959, within which to study the feasibility of amending the engineering proposal so as to eliminate any signal over the island of Guadalupe.
- 8. Respondent's petition to remove application from hearing docket and place in pending file is supported by an affidavit of a consulting engineer which states, in pertinent part, that the island of Guadalupe is approximately 165 miles west of the coast of the lower California peninsula and approximately 353 miles from the site of applicant's proposed station at Pomona, California, that it is computed that the operation of applicant's proposed station would place a ground wave signal of about 16uv/m over the island of Guadalupe and that such signal is in excess of the 5 uv/m signal specified in the U.S./Mexican agreement. The applicant does not challenge the respondent's contention that the computed signal over the island of Guadalupe which he contends to be approximately 170 miles west of the coast of the lower California peninsula would be in excess of 5 uv/m. There is no allegation that the proposed Pomona station would

cause any interference to Station XEB or to any Mexican station either within the continental limits of Mexico or on the island of Guadalupe.

9. The U.S./Mexican agreement provides that Mexico shall have first priority on the frequency 1220 kc. While no evidence has been received in this proceeding, the following facts relative to the frequency 1220 kc are noted. The frequency 1220 kc is used by one station in Mexico, namely, Station XEB, Mexico, D.F., Mexico, 100 kw, unlimited time. As of January 1, 1959, 56 stations on the North American continent were using this frequency. They were located as follows: Mexico, 1 (Station XEB); Cuba, 2; Canada, 6; United States, 47; and as of the same date, 28 applications were pending before the Commission for either new or improved facilities on 1220 kc. In so far as is presently known to the parties, there is no radio station and no populated community on the island of Guadalupe. The island may be inhabited by a few natives or it may be garrisoned either on a permanent or temporary basis by Mexican troops. availability of any radio broadcast service to the island is not presently known to the parties.

10. The applicant contends that the Commission having found it to be technically qualified has found that the proposed operation will be consistent with the provisions of § 3.25 of the Commission's rules and with the U.S./Mexican agreement. Respondent challenges such contention. The Commission finding that the applicant was technically qualified was an ex parte finding. The respondent while failing to request the Commission to adopt an issue to determine the applicability of the U.S./Mexican agreement has requested the Commission to make a finding of fact which would be adverse to the applicant. Both parties thus raise an issue which may and probably will require an evidentiary hearing at which the pertinent facts may be developed. WLOX Broadcasting Company v. Federal Communications Commission, decided September

18, 1958, 260 F. 2d 712, 17 RR 2120.

11. Section 1.352 of the Commission's rules provides for the return of an application to the pending file after it has been found or clearly established that there would be a violation of NARBA or the U.S./Mexican agreement. No such finding can be made by the Hearing Examiner at this time. Furthermore, the Commission has found the applicant to be technically qualified. The Hearing Examiner must assume that the Commission in making such determination has found that the proposed operation would not be in violation of NARBA or the U.S./Mexican agreement.

12. Good cause for continuing the evidentiary hearing has been shown and the motion for continuance will be granted.

13. The Hearing Examiner finds that the respondent's petition to remove the application from hearing docket and return to pending file is a matter addressed to the Commission.

It is ordered, This the 27th day of March 1959, retroactive to March 20,

1959, that the motion to continue the above-entitled proceeding be and the same is hereby granted and the evidentiary hearing is continued from March 20, 1959, to April 24, 1959;

It is further ordered, That the respondent's petition to remove application from hearing docket and place in pending file is referred to the Commission for appropriate action.

on for appropriate action. Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[FR. Doc. 59-2778; Filed, Apr. 1, 1959; 8:50 a.m.]

[Docket No. 12750; FCC 59M-396]

MAY BROADCASTING CO.

Order Continuing Hearing

In re application of May Broadcasting Company, Shenandoah, Iowa, Docket No. 12750, File No. BR-531; for renewal of license of Standard Broadcast Station KMA.

The Hearing Examiner having under consideration an oral request for continuance of the exchange date and the date of hearing;

It appearing that the applicant requires additional time for the completion of its exhibits and the Broadcast Bureau having no objection to the request:

It is ordered, This 26th day of March 1959, that the exhibits will be exchanged on April 15 and the hearing is continued from April 8 to April 27, 1959.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2779; Filed, Apr. 1, 1959; 8:51 a.m.]

[Docket No. 12777; FCC 59M-400]

SEASIDE BROADCASTING CO. (KSRG)

Order Scheduling Prehearing Conference

In re application of Ronald L. Rule, John P. Gillis and James L. Dennon, d/b as Seaside Broadcasting Company (KSRG), Seaside, Oregon, Docket No. 12777, File No. BP-11200; for construction permit.

It is ordered, This 26th day of March 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Friday, April 10, 1959, in the offices of the Commission, Washington, D.C.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-2780; Filed, Apr. 1, 1959; 8:51 a.m.]

[Docket No. 12783; FCC 59M-390]

SUSSEX COUNTY BROADCASTERS (WNNJ)

Order Continuing Hearing

In re application of Robert A. Mensel, William Fairclough, Simpson C. Wolfe, Jr. and Naomi E. Wolfe, d/b as Sussex County Broadcasters (WNNJ), Newton, New Jersey, Docket No. 12783, File No. BP-11716; for construction permit.

The Hearing Examiner having under consideration a "Petition for Continuance" filed on March 24, 1959, by counsel for Sussex County Broadcasters (WNNJ), requesting that the prehearing conference be continued for approximately 30 days and that the hearing be continued for 30 days; and

It appearing, that the other parties herein have informally consented to immediate consideration and grant of the aforementioned petition, and that good cause for favorable action thereon has been shown;

Accordingly, it is ordered, This 26th day of March 1959, that the subject petition is granted; that the prehearing conference now scheduled for April 1, 1959, is continued to Thursday, April 30, 1959, at 10:00 a.m.; and that the hearing now scheduled for April 27, 1959, is continued to Wednesday, May 27, 1959, at 10:00 a.m.

Both the prehearing conference and the hearing, as rescheduled, will be held in the offices of the Commission, Washington, D.C.

Released: March 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2781; Filed, Apr. 1, 1959; 8:51 a.m.]

[Docket No. 12812; FCC 59-239]

PLAINS BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Plains Broadcasting Corporation, Independence, Iowa (Req: 1220 kc, 250 w, Day), Docket No: 12812, File No. BP-12033; for construction permit for a new standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing, that, except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that the operation as proposed would cause objectionable interference to Station KFJB, Marshalltown, Iowa; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and the licensee of Station KFJB were

notified of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the instant application would be in the public interest; and

It further appearing, that the applicant filed a timely reply to the Commission's said letter; and that the licensee of Station KFJB requested that the instant proposal be designated for a hearing on the ground of the aforementioned interference; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant application is necessary:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KFJB, Marshalltown, Iowa, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in the light of the evidence adduced, pursuant to the fore-going issues, whether a grant of the instant application would serve the public interest, convenience, and necessify.

interest, convenience, and necessity. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: March 30, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2782; Filed, Apr. 1, 1959; 8:51 a.m.]

[Docket Nos. 12814, 12815; FCC 59-242]

VOICE OF THE NEW SOUTH, INC. (WNSL) AND SOUTHLAND BROAD-CASTING CO. (WLAU)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Has 1260 kc, 1 kw, Day, Req. 1430 kc, 5 kw, Day, Docket No. 12814, File No. BP-11916; Southland Broadcasting Company (WLAU), Laurel, Mississippi, Has 1600 kc, 5 kw, Day, Req. 1430 kc, 5 kw, Day, Docket No. 12815, File No. BMP-8053; for

construction permits for new standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1959;

The Commission having under consideration the above-captioned and described applications; and

It appearing, that except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified to operate their proposals but that the proposed operations of stations WNSL and WLAU are mutually exclusive; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, subject applicants were advised by letter dated February 13, 1959, of aforementioned deficiency, and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants filed a timely reply to the Commission's letter; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be expected to gain or lose primary service from the proposed operations of stations WNSL and WLAU, and the availability of other primary service to such areas and populations.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced under the foregoing issues, which, if either, of the proposals should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above entitled proceeding may be

enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue. To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated,

Released: March 30, 1959.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-2783; Filed, Apr. 1, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-15394 etc.]

TRUNKLINE GAS CO. ET AL.

Order Amending Order, Shortening Time for Filing Exceptions, and Providing for Oral Argument

March 26, 1959.

In the matters of Trunkline Gas Company, Docket No. G-15394; Pan American Petroleum Corporation, Docket No. G-15438; Phillips Petroleum Company, Docket No. G-15471; Phillips Petroleum Company, Docket No. G-15472; Union Oil Company of California, Docket No. G-15485; Union Oil Company of California, Docket No. G-15486; Union Oil Company of California, Docket No. G-15487; Michigan Gas Storage Company, Docket No. G-15827; The Superior Oil Company, Docket No. G-16147; Nicklos Oil & Gas Company, Docket No. G-16222; Tidewater Oil Company, Docket No. G-16267; Pan American Petroleum Corporation, Docket G-16501; Pan American Petroleum Corporation, Docket No. G-16502; J. S. Michael Company, Docket No. G-16551; J. S. Michael, Docket No. G-16570.

On February 19, 1959, we issued an order in the above-entitled proceedings in which, among other things, we fixed the time for filing exceptions to the titial decision of the presiding examiner in these proceedings at ten (10) days from the date of issuance of such decision.

Upon further consideration, we conclude that it is necessary and appropriate to carry out the provisions of the Natural Gas Act that the time for filing exceptions to the presiding examiner's initial decision herein be shortened as hereinafter ordered.

In addition, we shall hear oral argument on the matters and issues presented by the presiding examiner's initial decision in these proceedings and exceptions thereto as hereinafter ordered.

The Commission orders:

(A) In accordance with § 1.31(a) of the Commission's rules of practice and procedure, the time for filing exceptions to the initial decision of the presiding examiner in the above-entitled proceedings is shortened to seven (7) days from the date of the issuance of the said decision. The Commission's order issued

February 19, 1959, in these proceedings, is amended as herein set forth.

(B) Oral argument shall be had in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on the matters and issues presented by the presiding examiner's initial decision in these proceedings and exceptions thereto, commencing at 10:00 a.m., e.s.t., eight (8) days from the date of issuance of the said initial decision of the presiding examiner. If such eighth day falls on a Saturday, we shall hear oral argument on that Saturday. If such eighth day falls on a Sunday, we shall hear oral argument on the following Monday. And if such eighth day falls on a day on which oral argument in some other proceeding is scheduled, oral argument in these proceedings shall be heard on the day following, unless the day following is a Sunday, in which event oral argument in these proceedings shall be heard on the following Monday.

(C) The parties which intend to participate in the oral argument shall notify the Secretary of the Commission of such intention and the time required for presentation of their argument, no later than the day following issuance of the presiding examiner's initial decision herein.

ierem.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2738; Filed, Apr. 1, 1959; 8:45 a.m.]

[Docket No. G-18095]

CHAMPLIN OIL & REFINING CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

March 26, 1959.

Champlin Oil & Refining Company (Operator) et al. (Champlin) on February 24, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 18, 1959.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 1 to Champlin's FPC Gas Rate Schedule No. 27.

Effective Date: March 27, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Champlin states that the contract provisions therefor were agreed upon in arm's-length negotiations and served as incentive to it to make the long-term sale and that the increased rate is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

2570 NOTICES

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Champlin's FPC Gas Rate Schedule No. 27 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Champlin's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 27, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2739; Filed, Apr. 1, 1959; 8:45 a.m.]

[Docket No. G-18097 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates 1.

MARCH 26, 1959.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-18097; Edwin L. Cox, Docket No. G-18102; Edwin L. Cox (Operator) et al., Docket No. G-18104.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is the Natural Gas Pipeline Company of America.

Respondent	Date of no- tice of change	Date ten- dered	Effective date	Rate schedule	Supp.
Sunray Mid-Continent Oil Co	Feb. 20, 1959	Feb. 24, 1959	Mar. 27, 1959 1	28	1
Edwin L. Cox	Feb. 16, 1959	Feb. 24, 1959	Mar. 27, 1959 1		3
Edwin L. Cox (operator), et al.	Feb. 18, 1959	Feb. 24, 1959	Mar. 27, 1959 1		1

¹ The stated effective date is the first day after expiration of the required thirty days' notice.

² Present rate previously suspended and is in effect subject to refund in Docket No. G-14472, (also subject to the Commission's order in Docket No. G-12540).

Support for these proposed periodic rate increases consists of citations of the periodic price escalation provisions and statements that the contracts were negotiated at arm's-length. Sunray Mid-Continent Oil Company states additionally that without such contract provisions, which are common in long-term contracts, it would not have committed the gas for such long term; that the proposed rate is just and reasonable, and that denial thereof would be unjust and discriminatory. Edwin L. Cox states additionally that the increase is of definite amount to occur at a fixed time and that the periodic price escalation provisions are beneficial to both buyer and seller.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the three proposed changes, and that each of the abovedesignated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the three proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the aforementioned supplements each hereby are suspended until August 27, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§-1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-2741; Filed, Apr. 1, 1959;

8:46 a.m.]

[Docket No. G-18096 etc.]

ROSS W. COE, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates 1

In the matters of Ross W. Coe, Jr., et al., Docket No. G-18096; John B. Hawley, Jr., Docket No. G-18101; G. A. Kane, Docket No. G-18105.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is the Colorado Interstate Gas Company.

. ,	Respondent	Date of no- tice of change	Date ten- dered	Effective date	Rate schedule	Supp.	
Ross W. C John B. H G. A. Kan		 Feb. 16, 1959 Feb. 23, 1959 Feb. 16, 1959	Feb. 25, 1959 Feb. 26, 1959 Feb. 24, 1959	Mar. 28, 1959 1 Apr. 1, 1959 2 Apr. 1, 1959 2	3	·	1 3 3

¹ The stated effective date is the first day after expiration of the required thirty days' notice.

2 The stated effective date is the effective date proposed by Respondent.

In support of his proposed redetermined rate increase, Ross W. Coe, Jr., et al. (Coe), cites arm's-length bargaining and states that the increased price is the minimum fair market price in the area. Coe also cites prices for other sales in the area which are equal to or greater than his proposed 2 rate. John B. Hawley, Jr. (Hawley), and G. A. Kane (Kane), submit, in support of their proposed renegotiated rates increases.

copies of the amendment agreement providing the renegotiated rate and state that since the volumes of gas involved are very small the increases will have negligible effect on purchaser's gas costs. In addition, Kane cites the additional dedication of 160 acres under the contract by the supplementary agreement. Both producers cite the fact that Colo-

¹This order does not provide for the consolidation of hearing or disposition of the matters covered herein, nor should it be so construed.

² The cited rates are for initial services, or are rates in effect subject to refund.

¹This order does not provide for the consolidation of hearing or disposition of the matters covered herein, nor should it be so construed.

rado Interstate Gas Company is only required to take gas ratably now, whereas before they were required to take or pay for the accumulated allowables.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the three proposed changes, and that each of the abovedesignated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the three proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearings and decision thereon, Supplement No. 1 to Coe's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until August 28, 1959; Supplement No. 3 to Hawley's FPC Gas Rate Schedule No. 3 and Supplement No. 3 to Kane's FPC Gas Rate Schedule No. 2 are each hereby suspended and the use thereof deferred until September 1, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-2740; Filed, Apr. 1, 1959; 8:45 a.m.]

[Docket No. G-18098 etc.]

SOHIO PETROLEUM CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates 1

March 26, 1959.

In the matters of Sohio Petroleum Company, Docket No. G-18098; Willard E. Walker, Docket No. G-18099; South-west Gas Producing Company, Inc., et al., Docket No. G-18100.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission,

have been tendered for filing by the above-named Respondents. In each filing, the purchaser is the Transcontinental Gas Pipe Line Corporation (Transco).

Respondent-	Date of no-	Date ten-	Effective	Rate	Supp.
	tice of change	dered	date	schedule	No.
Sohio Petroleum Co	Undated Feb. 20, 1959 Feb. 25, 1959	Feb. 24, 1959 Feb. 25, 1959 Feb. 26, 1959	Mar. 27, 19591 Mar. 28, 19592 Mar. 29, 19592	41	22 3 4

¹ The stated effective date is the effective date proposed by Sohio.
² The stated effective date is the first day after expiration of the required thirty days' notice.
³ Present rate previously suspended and is in effect subject to refund in Docket No. G-16660 (also subject to the Commission's orders in Docket Nos. G-3888 and G-12660).
⁴ Present rate previously suspended and is in effect subject to refund in Docket No. G-17662 (also subject to the Commission's order in Docket No. G-15685). ⁵ Present rate previously suspended and is in effect subject to refund in Docket No. G-15663

In support of the proposed favorednation rate increases, Respondents cite the contract provisions and submit copies of Transco's favored-nation letter. Sohio Petroleum Company (Sohio) and Willard E. Walker (Walker) also state that the increased price is in accordance with a contract which resulted from arm's-length negotiations and is not in excess of the commodity value of gas in the area. Southwest Gas Producing Company, Inc., et al. (Southwest), states that the increased price is not in excess

of legally effective prices in the area. The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the three proposed changes, and that each of the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, Supplement No. 22 to Sohio's FPC Gas Rate Schedule No. 26 is hereby suspended and the use thereof deferred until August 27, 1959; Supplement No. 3 to Walker's FPC Gas Rate Schedule No. 1 is suspended to August 28, 1959; and Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 9 is suspended until August 29, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and G-14497.

1

1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, [SEAL]

Secretary.

[F.R. Doc. 59-2742; Filed, Apr. 1, 1959; 8:46 a.m.]

[Docket No. G-18103]

EDWIN L. COX

Order for Hearing and Suspending **Proposed Change in Rates**

MARCH 26, 1959.

Edwin L. Cox (Cox) on February 24, 1959, tendered for filing a proposed change in his presently effective rate schedule 1 for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 16, 1959.

Purchaser: Panhandle Eastern Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Cox's FPC Gas Rate Schedule No. 15. Effective date: March 27, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cox cites the contract provisions and states that the increase is merely the result of the mechanical operation of such provisions which are common in long-term contracts. Cox also states that the pricing provisions are beneficial to buyer in permitting a low initial price during the time its unamortized capital investment is high and permit seller to receive progressively higher returns contemporaneously with increasing costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Com-

This order does not provide for the consolidation of hearing or disposition of the matters covered herein, nor should it be so construed.

¹ Present rate previously suspended and is in effect subject to refund in Docket No.

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mission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Cox's FPC Gas Rate Schedule No. 15 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Cox's FPC Gas Rate Schedule No. 15.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 27, 1959, and until such further time as it is made effective in the manner prescribed by the Natural

Gas Act.

- (C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.
- (D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

Joseph H. Gutride, Secretary.

[F.R. Doc. 59-2743; Filed, Apr. 1, 1959; 8:46 a.m.]

[Docket No. E-6869]

EL PASO ELECTRIC CO.

Notice of Application

March 26, 1959.

Take notice that an application was filed on March 18, 1959, as amended March 23, 1959, with the Federal Power Commission pursuant to section 204 of the Federal Power Act by E! Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of (1) 76,494 shares of \$5 par value Common Stock, (2) \$3,500,000 in principal amount of New Bonds, and (3) 20,000 shares of New Preferred Stock without par value. The 76,494 shares of Common Stock are to be offered by Applicant pro-rata to its Common Stockholders at a subscription price per share of not less than 90 percent of the bid price of Applicant's Common Stock in the over-the-counter market at the close of business on the day next preceding the fixing of said subscription price by Applicant's Board of Directors. Rights to subscribe to the Common Stock will be evidenced by transferable Subscription

and sale of the Common Stock, Applicant requests an exemption from the competitive bidding requirements of section 34.1a of the regulations under the Federal Power Act. Applicant proposes to issue \$3,500,000 in principal amount of New Bonds to be dated as of the first day of the month in which they are issued now fixed tentatively as of May 1959. The New Bonds will mature thirty years after the date of issuance and the interest rate will be supplied by amendment. Applicant proposes to issue 20,000 shares of New Preferred Stock in May 1959, on a date to be fixed by its Board of Directors. Applicant proposes to issue and sell the aforesaid New Bonds and New Preferred Stock at competitive bidding. The dividend rate of the New Preferred Stock will be fixed by competitive bidding. Applicant states that the issuance and sale of the Common Stock, New Bonds and New Preferred Stock is for the purpose of obtaining funds to pay Applicant's bank loans estimated to aggregate \$2,000,000 on May 1, 1959, reimburse its treasury for construction expenditures and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 15th day of April 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection:

JOSEPH H. GUTRIDE, [SEAL] Secretary.

[F.R. Doc. 59-2744; Filed, Apr. 1, 1959; 8:46 a.m.]

[Docket No. E-6870]

BLACK HILLS POWER AND LIGHT CO. Notice of Application

March 27, 1959.

Take notice that on March 23, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company ("Applicant"), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of \$1,000,000 (and proceeds of approximately \$961,800), principal amount of First Mortgage Bonds, Series The First Mortgage Bonds, Series I, are to be dated May 1, 1959, and will mature May 1, 1989. Said Bonds are to be issued under the Indenture of Mortgage and Deed of Trust of Applicant to the Hanover Bank, as Trustee, dated as of September 1, 1941, as supplemented and amended from time to time, and as to be further supplemented by a new Supplemental Indenture to be dated as of May 1, 1959. Applicant proposes to sell the Bonds to The Equitable Life Assurance Society of the United States for a Warrants. With respect to the issuance price of 98.07 percent of principal Power Commission, Washington 25, D.C.,

amount and accrued interest at an interest rate of 4% percent per annum, and proposes to pay Dillon, Read & Co., Inc., a placement fee of \$5,000 for acting as its agent in the sale of the Bonds. Applicant states that the proceeds from the issue and sale of the First Mortgage Bonds, Series I, will be used for additions and improvements to its properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of April, 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2745; Filed, Apr. 1, 1959; 8:46 a.m.]

[Docket No. E-6871]

IDAHO POWER CO.

Notice of Application

March 27, 1959.

Take notice that on March 23, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of (1) \$15,000,000 in principal amount of First Mortgage Bonds __ percent, Series due 1989, and (2) up to 150,-000 shares of \$10 par value Common Stock. The First Mortgage Bonds are to be issued on or after May 1, 1959, and will be due thirty years from date of issue with an interest rate of __ percent payable semi-annually. Said Bonds will be issued as a new series of 30-year bonds under Applicant's Mortgage and Deed of Trust dated as of October 1, 1937, to Bankers Trust Company and J. C. Kennedy, Trustees, and Supplemental Indentures thereto, and a new Twelfth Supplemental Indenture thereto. Applicant proposes to issue and sell the First Mortgage Bonds at competitive bidding. The 150,000 shares of \$10 par value Common Stock will be issued and sold by Applicant on or after May 1, 1959. With respect to the issuance and sale of said Common Stock, Applicant requests an exemption from § 34.1a of the Commission's regulations under the Federal Power Act requiring competitive bidding. The purpose for which the First Mortgage Bonds and Common Stock are to be issued and sold is stated by Applicant to be for the obtainment of permanent capital for repayment in part of the principal amount .of . Applicant's short-term bank loans now outstanding.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of April 1959, file with the Federal petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

Joseph H. Gutride, Secretary.

[F.R. Doc. 59-2746; Filed, Apr. 1, 1959; 8:46 a.m.]

[Docket Nos. G-15114 et al.]

MOUND CO. AND HANCOCK OIL CO.

Notice of Severance

March 27, 1959.

In the matters of Mound Company, Docket Nos. G-15114, et al.; Hancock Oil Company, now Signal Oil and Gas Company, et al., Docket No. G-15271.

Take notice that the application of

Take notice that the application of Hancock Oil Company, now Signal Oil and Gas Company, et al., in Docket No. G-15271, which was heretofore consolidated for hearing to be held on April 14, 1959, with other applications in the proceeding entitled In the Matters of Mound Company, et al., Docket Nos. G-15114, et al., is hereby severed from said consolidated proceeding and the hearing in said Docket No. G-15271 is postponed pending further action of the Commission.

JOSEPH H. GUTRIDE, Secretary,

[F.R. Doc. 59-2747; Filed, Apr. 1, 1959; 8:46 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Notice of Land Withdrawal; Oregon and Idaho

March 25, 1959.

In accordance with Article 45 of the license, issued August 8, 1955, for this project, the Idaho Power Company (Licensee) on September 5, 1958, filed revised exhibits for the inclusion, in its transmission system, of the Boise-Brownlee-Baker 230 KV transmission line.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are from September 5, 1958, the date of filing of exhibits, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following described subdivisions lying within 75 feet of the center line survey of the transmission line right-of-way location, from Brownlee switchyard to Boise Bench Substation in Idaho and from a point on existing transmission line near Baker to the Brownlee Switchyard in Oregon, as delimited on map, Exhibits "J" sheets

1 and 2 (F.P.C. No. 1971-61 and 62) and Exhibit "K" sheets 1 and 2 (F.P.C. No. 1971-63 and 64).

WILLAMETTE MERIDIAN, OREGON

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T. 8 S., R. 41 E.
     Sec. 22: N1/2 SE1/4;
     Sec. 22: N/2SE/4,
Sec. 23: N/2SW/4, N/2SE/4, SE/4SE/4;
Sec. 24: W/2SW/4, SE/4SW/4, S/2SE/4.
T. 8 S., R. 42 E.,
Sec. 19: Lot 4, SW1/4 SE1/4;
     Sec. 20: S½SW¼;
Sec. 25: N½NE¼;
Sec. 28: N½N½;
     Sec. 29: NE 1/4 NE 1/4.
Sec. 29: NE¼ NE¼.
T. 8'S., R. 43 E.,
Sec. 25: SE¼ SE¼;
Sec. 26: NW¼ SW¼;
Sec. 27: S½ NW¼, N½ S½;
Sec. 28: S½ N½;
Sec. 29: SE¼ NE¼, NW¼ NW¼;
Sec. 30: NE¼ NE¼.
Sec. 30: NE¼ NE¼.
T. 8 S., R. 44 E.,
Sec. 30: Lot 4, SE¼ SW¼, SW¼ SE¼;
Sec. 32: S½ NW¼, NW¼ SW¼, N½ NE¼
SW¼, W½ SE¼, SE½ SE½;
Sec. 33: SW¼ SW¼;
Sec. 36: SW¼ NE¼, SE¼ NW¼, N½ SE¼.
 T. 8 S., R. 45 E.,
     Sec. 31: S½SE¼;
Sec. 32: S½SW¼.
 T. 9 S., R. 45 E.,
     Sec. 1: S1/2N1/2
     Sec. 2: SE¼NE¼;
Sec. 3: SE¼NE¼;
Sec. 4: SW¼NE¼;
Sec. 5: Lots 1, 2 and 3.
 T. 8 S., R. 46 E.,
 Sec. 35: S½S½.
T. 9 S., R. 46 E.,
Sec. 2: Lots 3 and 4;
      Sec. 3: Lots 1, 2 and 3;
      Sec. 4: Lot 4;
      Sec. 5: Lots 1, 2, 3, 4 and SW1/4 NW1/4;
      Sec. 6: Lots 1, 5, SE'4NW'4, S'2NE'4.
  T. 8 S., R. 47 E.,
      Sec. 25: Lots 9, 10, 11 and 12;
     Sec. 26: N½S½;
Sec. 27: NE¼SE¼, S½S½;
Sec. 31: Lot 4, E½SW¼, NW¼SE¼.
  T. 8 S., R. 48 E.,
      Sec. 30: Lot 3.
                      Boise Meridian, Idaho
  T. 6 N., R. 1 E.,
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Sec. 6: Lots 3, 4, SE¼NW¼, NE¼SW¼,
     NW1/4 SE1/4, S1/2 SE1/4, SW1/4 NE1/4;
  Sec. 7: NE¼NE¼;
Sec. 21: NW¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 28: NW¼NE¼.
T. 4 N., R. 2 E.
  Sec. 14: SW 1/4 NW 1/4.
Sec. 17. SW 74. W 74.

Sec. 7: White Mineral Lode No. 1, in E½ NE¼.

T. 4 N., R. 3 E.,
  Sec. 31: Lot 4.
T. 7 N., R. 1 W.,
Sec. 23: SE¼ SE¼;
Sec. 25: Lots 3 and 4;
   Sec. 26: Lot 1.
T. 8 N., R. 1 W.,
   Sec. 6: Lot 2, SW4NE4, N4SE4;
   Sec. 8; E1/2SW1/4;
   Sec. 17: W1/2NE1/4, E1/2NW1/4, W1/2SE1/4,
     SE14SE14;
   Sec. 20: E1/2 NE1/4;
   Sec. 21: SE1/4 SW1/4;
   Sec. 28: NE¼NW¼, NW¼SE¼, S½SE¼;
   Sec. 33: E1/2NE1/4, NE1/4SE1/4;
   Sec. 34: Lots 2, 3 and 4.
T. 9 N., R. 1 W.,
   Sec. 30: Lot 4;
   Sec. 31: SE¼NW¼, E½SW¼, SW¼SE¼.
T. 9 N., R. 2 W.,
   Sec. 2: SW1/4NW1/4, W1/2SW1/4
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Sec. 3: Lot 1, SE'4NE'4, NE'4SE'4;

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W½SE¼;
Sec. 13: W½SW¼;
Sec. 14: N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 24: NW¼, E½SW¼, W½SE¼;
Sec. 25: W½NE¼, SE¼NE¼, E½SE¼.
T. 10 N., R. 2 W.,
    Sec. 4: Lot 4, SW1/4NW1/4, W1/2SW1/4, SE1/4
   Sec. 9: NE¼NW¼, SW¼SE¼, SE¼SW¼;
Sec. 21: NE¼NE¼, SE¼SE¼;
Sec. 22: SW¼SW¼;
    Sec. 27: W1/2 W1/2;
Sec. 28: NE!4NE!4;
Sec. 34: W½SE!4, SE!4SE!4.
T. 11 N., R. 2 W.,
    Sec. 6: Lot 7;
Sec. 20: SW¼NW¼, N½SW¼;
Sec. 32: SE¼NE¼, E½SE¼;
Sec. 33: SW¼SW½.
T. 12 N., R. 3 W.,
    Sec. 25: W1/2SW1/4, SE1/4SW1/4;
Sec. 25: W½SW¼, SE¼SW¼;
Sec. 26: NW¼NE¼, E½NE¼, E½SE¼.
T. 14 N., R. 4 W.,
Sec. 2: Lots 3, 4, SE¼NW¼, NE¼SW¼,
W½SE½;
Sec. 11: NE¼, E½SE¼;
Sec. 12: SW½SW¼;
Sec. 13: W½NW¼.
T. 15 N., R. 4 W.,
Sec. 5: SWÚSW¼
    Sec. 35: SW 1/4 SW 1/4
T. 16 N., E. 4 W.,
Sec. 20: N½SW¼, E½E½SE½SW¼;
Sec. 29: S½S½NE½NW¼, SE¼NW¼, N½
        NE1/4SW1/4
     Sec. 32: NW 4NE 14.
T. 17 N., R. 5 W.,
Sec. 1: SW 4 SW 4;
Sec. 12: SW 4 NW 4, NW 4 SW 4;
Sec. 13: SW 4 NW 4, N 1/2 SW 4;
    Sec. 25: NW1/4NE1/4.
              WILLAMETTE MERIDIAN, OREGON
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Sec. 11: N½NW¼, SE¼NW¼, NE¼SW¼,

All portions of the following described subdivisions lying within (four strips) 50 feet in width, extending beyond the, above-noted, over-all right-of-way, necessary for guy anchor installations, as delimited on map Exhibit "K" sheet 2 (F.P.C. No. 1971-64).

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T. 8 S., R. 44 E.,
Sec. 30: SW¼SE¼;
Sec. 32: SW½SE¼.
T. 8 S., R. 47 E.,
Sec. 26; NE¼SW¼;
Sec. 31: SE¼SW¼.
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The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for power transmission line purposes only, is applicable to these lands.

The area reserved herein is approximately 852.92 acres, of which approximately 0.63 of an acre is within the guy anchor additions. Of the above-noted total area, approximately 20.10 acres have been heretofore reserved for power purposes under this project (No. 1971) or Power Site Reserves Nos. 77 or 168, also approximately 11.64 acres are within the boundaries of the Payette National Forest.

Copies of project map Exhibits "J" sheets 1 and 2 (F.P.C. Nos. 1971–61 and 62) and Exhibits "K" sheets 1 and 2 (F.P.C. Nos. 1971–63 and 64) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service and Bureau of Reclamation.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2748; Filed, Apr. 1, 1959; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Extending Time for Completion of Acquisition of Voting Shares of Old Dominion Bank

In the matter of the application of The First Virginia Corporation, pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a) (2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The First Virginia Corporation, whose principal office is in Arlington, Virginia, for the Board's prior approval of the acquisition of from 51 to 92 percent of the 40,500 outstanding voting shares of Old Dominion Bank, Arlington, Virginia; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FED-ERAL REGISTER on December 9, 1958 (23 F.R. 9522): the said Notice having provided interested persons an opportunity, before issuance of the Board's final order. to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement: and the time for filing such objections and comments having expired and no such objections or comments having been filed;

And such application having been granted pursuant to order of the Board, dated January 7, 1959 (24 F.R. 330), provided the acquisition is completed within three months from the date of the Board's order,

It is hereby ordered, That the time in which such acquisition may be completed is extended to July 6, 1959.

Dated at Washington, D.C., this 26th day of March 1959.

By order of the Board of Governors.1

[SEAL]

KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-2749; Filed, Apr. 1, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 11]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

MARCH 27, 1959:

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act 1958. These matters are governed by Special Rule § 1.243 published in the Federal Register issue of January 8, 1959, page 205, which provide, among other

things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGIS-TER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 11899 (Sub No. 8), filed December 8, 1958. Applicant: STEVENS TRUCK LINES; INC., 182 North Avenue, Webster, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Pk., P.O. Box 25, Webster, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, between points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

No. MC 112384 (Sub No. 1), filed December 8, 1958. Applicant: ARTHUR JOHNCOX AND WILSON W. JOHN-COX, a partnership, doing business as ARTHUR JOHNCOX AND SON, Ontario, New York. Applicant's representative; Raymond A. Richards, 35 Curtice Pk., P.O. Box 25, Webster, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, in straight and mixed loads with certain exempt commodities between points in New York on and west of U.S. Highway 11, on the one hand, and, on the other, points in Connecticut, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, and Pennsylvania.

Note: Applicant indicates it also transports fresh fruits, fresh berries and fresh vegetables and other fresh produce; it further indicates that one of the partners of applicant is president of Caledonia Lines, Inc., a contract carrier operating under Permit No. MC 108313; therefore, common control and dual operations may be involved.

No. MC 112565 (Sub No. 2), filed November 24, 1958. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: Frozen fruits, frozen berries and frozen vegetables, from Portland, Hillsboro and Stayton, Oreg., Arlington, Wash., Burley, Idaho, and Turlock and Santa Clara, Calif., to Portland, Oreg., Seattle, Wash., Tucson and Phoenix, Ariz., and ports of entry on the boundary between the United States and Canada, in Washington.

Note: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 114655 Sub No. 1; therefore, dual operations under section 210 may be involved. Applicant's president is also president of P & A Refrigerated Express, Inc., conducting common carrier operations under temporary authority in No. MC 117374 Sub No. 1 TA. Common control may be involved.

No. MC 113402 (Sub No. 1), filed November 3, 1958. Applicant: CARL SCHWARZKOPF, doing business as SCHWARZKOPF TRUCK AND GRAIN COMPANY, Post Office Box 395, Scottsbluff, Nebr. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, and frozen vegetables, from points in California and Utah to points in Nebraska and South Dakota.

No. MC 113678 (Sub No. 5), filed December 10, 1958. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits and frozen berries, in straight and mixed loads with certain exempt commodities, from points in Massachusetts, Michigan, and Maine, to points in Colorado.

Note: Applicant indicates it also transports all exempt commodities in the same vehicle with the above-described commodities.

No. MC 113843 (Sub No. 34), filed December 8, 1958. Applicant: REFRIG-ERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and bananas, in straight and in mixed loads with certain exempt commodities, from Boston, Mass., Baltimore, Md., Columbus and Cleveland, Ohio, Chicago, Ill., Detroit, Mich., Pittsburgh, Pa., Rochester, N.Y., and points in New Jersey, Maine, and the Delmarva Peninsula, to points in Illinois, Ohio, Indiana, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Maryland, Pennsylvania, Michigan, Virginia; Wisconsin, the District of Columbia, Kentucky, Maine, West Virginia, Delaware, and Minnesota.

No. MC 114045 (Sub No. 46), filed December 8, 1958. Applicant: R. L. MOORE AND JAMES T. MOORE (Partners), Doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Texas. Applicant's attorney: Leroy Hallman,

¹Voting for this action: Vice Chairman Balderston and Governors Szymczak, Mills, Robertson and Shepardson. Present and not voting: Governor King. Absent and not voting: Chairman Martin.

First National Bank Building, Dallas 2, Texas. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables; in straight and in mixed loads with certain exempt commodities, (1) between points in Texas, Oklahoma, Arkansas, Louisiana, and Tennessee, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Rhode Island, Georgia, Michigan, Minnesota, Delaware, Virginia, West Virginia, Connecticut, Massachusetts, Kentucky, Maryland, Kansas, Washington, D.C., North Carolina, South Carolina, Florida, Mississippi, Colorado, California, Illinois, Wisconsin, Ohio, Indiana, Iowa, Nebraska, Alabama, Maine, and New Hampshire; (2) from points in Wisconsin, Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, and Virginia, to points in Missouri, Kansas, North Carolina, Georgia, Alabama, Mississippi, Indiana, Illinois, New Mexico, Colorado, Kentucky, and Ohio; (3) between points in Texas; (4) between points in Texas, Oklahoma, Arkansas, Louisiana, and Tennessee.

No. MC 115841 (Sub No. 48), filed

December 8, 1958. Applicant: COLO-NIAL REFRIGERATED TRANSPORTA-TION, INC., 1215 Bankhead Highway West, Birmingham, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, coffee beans and bananas, from points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Delaware to points in Alabama, Arizona, Arkansas, California, Colorado, Con-necticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 117374 (Sub-No. 2), filed December 3, 1958. Applicant: P & A RE-FRIGERATED EXPRESS, INC., 1011 Southeast Salmon Street, Portland, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, and frozen vegetables, from Portland, Eugene, Hillsboro, Forest Grove, Gresham, Weston, and Woodburn, Oreg., Bellingham, Wash., Boise, Burley, and Nampa, Idaho, Watsonville, Calif., and Bear Lake and

Hillsboro, Oreg., Los Angeles, Calif., Pocatello and Nampa, Idaho, ports of entry on the International Boundary Line between the United States and Canada in Washington at and near Nighthawk and Oroville, and at, near and between Point Roberts and Sumas; Livingston, Mont., Tucson, Ariz., Dallas, Tex., Denver, Colo., Tulsa and Oklahoma City, Okla., Cedar Rapids and Des Moines, Iowa, Marshfield, Appleton, and Milwaukee, Wis., Chicago, Ill., Fort Wayne, Ind., Philadelphia, Pa., and Jersey City, N.J.

Note: Common control, and section 210, dual operations, may be involved.

No. MC 117430 (Sub No. 2), filed December 8, 1958. Applicant: HOMER M. CONNEL, 1609 Pine Street, Abilene, Tex. Applicant's attorney: Austin L. Hatchell, 1009 Perry-Brooks Building, Austin 1, Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables and bananas, from points in California, Texas, Louisiana and Florida, to points in Texas, Arizona, New Mexico, Colorado, Montana, South Dakota, Wyoming, Kansas, California, Nebraska, Iowa, Minnesota, Missouri, Arkansas, and Oklahoma.

No. MC 117683, filed October 6, 1958. Applicant: DEMETRIOS AEVALIOTES AND JAMES AEVALIOTES, a Partnership, 540 52d Street, Brooklyn, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Weehawken, N.J., to points in New Jersey, New York, Connecticut, Massachusetts, Pennsylvania, and Maryland.

No. MC 117695 filed October 8, 1958. Applicant: VANCE B. MURPHY, 691 Berry NE., Orangeburg, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Miami and Tampa, Fla., and Charleston, S.C., to Columbia, S.C.

No. MC 117722, filed October 17, 1958. Applicant: E. L. BLUME, doing business as BLUME'S EXPRESS, 2891 Main Street, East Point, Ga. Applicant's representative: Robert J. Fehskens, 4142 Shawnee Lane NE., Atlanta 19, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Miami, Tampa, Port Everglades, and Jacksonville, Fla., Mobile, Ala., Charleston, S.C., Atlanta, Ga., and New Orleans, La., to points in Georgia, Alabama, South

Carolina, Tennessee, and Kentucky. No. MC 117724, filed October 20, 1958. Applicant: FRANK P. BATTAGLIA, LOUIS ROBERTI AND THOMAS TORCHIA, a Partnership, doing business as PRODUCE TRANSPORT DIS-PATCH, 2015 Southeast 47th Avenue, Portland 15, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building,

Benton Harbor, Mich., to Portland and Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, between points in Oregon, Washington, and California.

No. MC 117731, filed October 29, 1958. Applicant: OTIS C. SUMNER, 1111 Western Branch Boulevard, Portsmouth, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Norfolk, Va., and Charleston, S.C., to Chicago, Ill., Indianapolis, Ind., Cleveland, Cincinnati, Dayton, and Toledo, Ohio, Detroit and Flint, Mich., Altoona, Duncansville, Pittsburgh, Philadelphia, and Johnstown, Pa., Boston, Mass., Portland, Maine, Louisville, Ky., Morganton and Asheville, N.C., Atlanta, Ga., Baltimore, Md., Norfolk, Va., Columbia, S.C., Charleston and Huntington, W. Va., Nashville and Johnson City, Tenn., and Washington, D.C.

No. MC 117798, filed November 5, 1958. Applicant: SAMUEL MAIDENBAUM, 1685 East Fifth Street, Brooklyn, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, between points in Connecticut, the District of Columbia, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

No. MC 117819, filed November 10, 1958. Applicant: O. R. HARTLINE, RAY HARTLINE AND BOB HARTLINE, doing business as HARTLINE BROTH-ERS, 901 Bell Avenue, Lenoir City, Tenn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., Charlestown, S.C., Mobile, Ala., and Tampa and Miami, Fla., to Knoxville, Tenn.

No. MC 117868, filed November 21, 1958. Applicant: R. A. HARMON, 156 Maine Avenue, Portland, Maine. Applicant's attorney: Milton E. Diehl, Room 1383, National Press Building, Washington 4, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, in mixed and straight loads with certain exempt commodities, from Boston, Mass., to Portsmouth, N.H., and Portland, Lewiston, Bath, and Auburn, Maine.

Note: Applicant states that bananas were transported in mixed shipments with avacado pears, berries, fresh, apples, eggplant, melons, grapefruit, lettuce, peas and beans, fresh, cantaloupe, lemons, oranges, grapes, celery, figs, spinach, cukes, peaches and pears, broccoli, peppers, endives, garlic, parsnip, radishes and fresh garden truck of all kinds, moving in cartons, crates, barrels and boxes.

No. MC 117874, filed November 24, 1958. Applicant: W. A. HANDY, Box 9372, State Farmers Market, Columbia, S.C. Applicant's attorneys: E. B. Ussery, Charles D. Davis, Security Federal Building, Columbia, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Bananas, from North Atlantic, South Atlantic, Gulf Ports, and Columbia, S.C., to Columbia, S.C., Raleigh and Winston-Salem, N.C., Richmond and Norfolk, Va., Bristol, Tenn., and Tampa, Fia.

No. MC 117889, filed November 26, 1958. Applicant: JOHN D. STRING-FELLOW, 1608 Gabay Street, Memphis, Tenn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., to points in Indiana, Kentucky, Tennessee, Texas, Illinois, Arkansas, Missouri, and Alabama.

No. MC 117902, filed November 28, 1958. Applicant: BICKERTON CO-OPERATIVE LIMITED, a Corporation, Bickerton West, Nova Scotia, Canada. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Boston, Mass., to the Port of Entry on the boundary between the United States and Calais, Maine, in straight and in mixed loads with certain exempt commodities.

No. MC 117905, filed November 26, 1958. Applicant: PATRICK H. Mc-KENNA, 1728 Avenue A, Galveston, Texas. Applicant's attorney: Benton Coopwood, 904 Lavaca Street, Austin 1, Texas. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tea and bonanas, from New Orleans, La., and points in Galveston and Harris Counties, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Tennessee, Texas, and Wisconsin.
No. MC 117920, filed November 28,
1958. Applicant: W. M. TYNAN AND
COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and bananas, in mixed and in straight loads with certain exempt commodities, from points in Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 117926, filed December 1, 1958. Applicant: MOORE, HANDLEY HARD-WARE COMPANY, INC., 27 South 20th Street, Birmingham, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a contract carrier, by motor vehicle, over a regular route, transporting: Bananas, from Mobile, Ala., to Birmingham, Ala., from Mobile over U.S. Highway 43 to junction Alabama Highway 5, thence over Alabama Highway 5, thence over Alabama, serving all intermediate points.

No. MC 117928, filed November 28, 1958. Applicant: JOE BUNDA, doing business as BUNDA'S PRODUCE, 38-42 East Penn Street, Uniontown, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New York, N.Y., Charleston, S.C., and Baltimore Md. to points in Pennsylvania

more, Md., to points in Pennsylvania.

No. MC 117939, filed November 25, 1958. Applicant: GEORGE S. FUJITA, doing business as GEORGE S. FUJITA, doing business as GEORGE S. FUJITA, doing business as torney: Arthur Knodel, Route 12, Fife Square, Tacoma, Wash. Applicant's attorney: Arthur Knodel, Route 12, Fife Square, Tacoma, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from Puyallup, Wash., to points in Oregon and Washington, including ports of entry on the international boundary line between the United States and Canada located in Washington.

No. MC 117961, filed December 1, 1958. Applicant: CONTROLLED FREIGHT, INC., 491 Embarcadero, Oakland, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from points in California, Oregon, Washington, Idaho, and Utah, to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Illinois, Kentucky, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, New York, New Mexico, Nebraska, Nevada, North Carolina. Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

Note: President of applicant is also a stockholder in N.E.M. Lines, Inc., conducting operations under the Second Proviso of section 206(a) (1) in Docket No. MC 99148.

No. MC 117989, filed December 3, 1958. Applicant: G. E. LOCKLEY, 1711 Hafner, Houston, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., and Galveston and Brownsville, Tex., to points in Arkansas, Kansas, Kentucky,

Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 117995, filed December 5, 1958. Applicant: NEIL B. OLMSTED, E. B. OLMSTED AND ALVIN H. ANDERSON; A Partnership, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mt. Vernon, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, in straight and in mixed loads with certain exempt commodities, between points in Washington, Oregon, Idaho, California, Minnesota, Illinois, Nevada, Arizona, Montana, Colorado, Wyoming, Utah, New Mexico, Texas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Wisconsin, Michigan, Ohio, Indiana, Kentucky, Pennsylvania, New York, Massachusetts, Florida, and Ports of Entry on the boundary between the United States and Canada.

Note: Applicant states it also seeks "grandfather" authority to transport a wide variety of exempt commodities in mixed shipments with frozen fruits, berries and vegetables. Neil B. Olmsted and E. B. Olmsted are principal stockholders, officers, and directors of Home Transfer & Storage Co., Mt. Vernon, Wash., a common carrier Docket No. MC 7228 and sub-numbers thereunder; therefore, common control may be involved.

No. MC 118010, filed December 4, 1958. Applicant: VICTOR W. KAISER, Bickerton West, Nova Scotia, Canada. Applicant's attorney: Kenneth B. Williams, 11 State Street, Boston 9, Mass: Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, in straight or mixed shipment with certain exempt commodities, from Boston, Mass., to the Port of Entry on the boundary between the United States and Canada at or near Calais. Maine.

No. MC 118012, filed December 4, 1958. Applicant: FRED B. LAFFERTY, J. D. LAFFERTY, AND CHARLES W. ALBRIGHT, a partnership, doing business as LAFFERTY BROTHERS, 3703 Beale Avenue, Altoona, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New York, N.Y., Weehawken, N.J., and Baltimore, Md., to Altoona and Pittsburgh, Pa., and Youngstown, Ohio, and frozen fruits, frozen berries, and frozen vegetables, and Wayne Counties, N.Y., to Altoona and Pittsburgh, Pa.

Note: Applicant states the partnership members are also copartners doing business as Lafferty Trucking Company, operating as a contract carrier in Permit No. MC 19193 and subnumbers thereunder. Applicant states the operations are conducted entirely for The Great Atlantic & Pacific Tea Company.

No. MC 118031 (Sub No. 1), filed December 8, 1958. Applicant: TRUCK TRANSPORT CORPORATION, 2533 Airport Way, Seattle, Wash. Applicant's attorney: James M. Morris, 28th Floor, Smith Tower, Seattle 4, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cocoa beans and frozen fruits, berries and vegetables, and certain exempt commodities, in mixed and straight loads, from points in California, Idaho, Oregon, and Washington, to points in Alaska, Arizona, California, Idaho, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Kansas, Oregon, New Mexico, Colorado, Montana, Utah, Wisconsin, South Dakota, Washington, Nevada, and Wyo-

No. MC 118034, filed December 5, 1958. Applicant: MTLLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. Applicant's attorney: Charles D. Mathews, Brown Building (P.O. Box 858), Austin, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, bananas, and certain exempt commodities, in mixed and in straight shipments, between points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and New Mexico.

Note: Applicant has contract carrier authority under MC 70330 and Subs thereunder. A proceeding has been instituted under section 212(b) in No. MC 70330 (Sub No. 31) to determine whether applicant's status is that of a common or contract carrier. Applicant requests that it be issued a certificate authorizing the continuation of such transportation service in the handling of mixed shipments of commodities now regulated with mixed shipments of commodities which continue under the exemption as set out in Administrative Ruling 107.

No. MC 118041, filed December 8, 1958. Applicant: GEORGE E. ESPY, doing business as ESPY PRODUCE COMPANY, P.O. Box 2309, Birmingham, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Mobile, Ala., New Orleans, La., and Tampa, Fla., to Birmingham, Ala.

No. MC 118087, filed December 9, 1958. Applicant: G. R. DeWITT, 350 South Conception Street, Mobile, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, coffee beans, and bananas, between points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 118088, filed December 9, 1958. Applicant: R. G. DUKE AND CHARLES E. VERNON, Doing business as R. G. DUKE & SON, 2603 Benrus Boulevard, San Antonio 1, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, in seasonal operations, during the periods from January 1 to June 30, inclusive, and from October 1 to December 31, inclusive, of each year, from New Orleans, La., to San Antonio, Tex., and Denver, Colo.

Tex., and Denver, Colo.

No. MC 118122, filed December 8, 1958.

Applicant: EARLE P. KAISER, Bickerton West, Nova Scotia, Canada. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Grandfather authority sought under section 7 of the Transportation Act' of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, in straight and in mixed loads with certain exempt commodities, from Boston, Mass., to the port of entry on the International Boundary line between the United States and Canada at Calais, Maine.

Note: Applicant also requests authority to continue to transport fresh fruits, fresh berries and fresh vegetables in the same vehicle with bananas. Common control may be involved.

No. MC 118155, filed December 9, 1958. Applicant: JACK LIVELY, 5616 Petersburg Pike, Richmond 24, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, from Norfolk, Va., Miami and Jacksonville, Fla., Mobile, Ala., New Orleans, La., and New York, N.Y., to Chicago, Ill., Buffalo, N.Y., Cleveland and Cincinnati, Ohio, and Chattanooga, Tenn.

Note: Applicant states that while his equipment has been available for frozen loads at all times, and is so equipped, he has not transported frozen fruits, berries or vegetables since the summer of 1958.

No. MC 118158, filed December 4, 1958. Applicant: LOUIS FULLANO, doing business as LOU'S TRANSFER & STORAGE CO., INC., 19 East Camden Street, Baltimore 2, Md. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Baltimore, Md., and Philadelphia, Pa., to Frederick, Hagerstown, and Baltimore, Md., Richmond, Roanoke, Lynchburg, Martinsville, and Newport News, Va., Washington, D.C., Pittsburgh and Harrisburg, Pa., and Trenton, N.J.

No. MC 118166, filed December 8, 1958.
Applicant: HURST, INC., 4306 Cambridge, Kansas City 3, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, berries and

vegetables, from points in California, Oregon and Washington, to points in Oklahoma, Kansas, Nebraska, Iowa, Missouri, Illinois, and Arkansas.

No. MC 118170, filed December 8, 1950. Applicant: LOUIS J. MANTYCH, 3613 Brighton Boulevard, Denver, Colo. Applicant's attorney: Earl H. Johnson, 1509 Mile High Center, Denver, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, from points in Idaho, California, Oregon, Washington, Arizona, Texas, Alabama, and Louisiana, to points in Colorado, and from points in Colorado to points in the above-described origin states, and applicant indicates it also seeks authority to continue the transportation of certain exempt commodities when transported in the same vehicle with the abovedescribed commodities.

No. MC 118178, filed December 8, 1958. Applicant: BILL MEEKER, 1419 Laura, Wichita, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kansas. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, from points in Alabama, Louisiana, Texas, Arizona, and California to points in Kansas, Oklahoma, and Missouri. Applicant indicates that authority is sought in this application to transport the above-named commodities in the same vehicle and at the same time with unmanufactured agricultural and horticultural commodities and

No. MC 118191, filed December 8, 1958. Applicant: LONNIE POWELL AND ROSE POWELL, doing business as POWELL FARMS, Antigo, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Frozen fruits and frozen berries, from points in Door, Brown, Winnebago and Rock Counties, Wis., and Benton Harbor, Mich., to points in Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Illinois, Michigan, Wisconsin, Indiana, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, Pennsylvania, and New York, including all ports of entry on the international boundary line between the United States and Canada; (2) Coffee beans and cocoa beans, from New York, N.Y., and Hoboken, N.J., to Chicago, Ill., and Milwaukee, Wis.; (3) Bananas, from Tampa, Fla., New Orleans, La., and New York, N.Y., to Cincinnati, Ohio, Chicago, Ill., and Milwaukee. Wisconsin. Applicant states that fresh fruits, vegetables and berries were transported in mixed or straight shipments with the above described commodities, and also seeks authority to

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No. MC 118196, filed December 7, 1958, Applicant: JAMES E. RAYE, doing business as JIMMY RAYE & COMPANY, Jasper Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from points in California, Idaho, Oregon, and Washington to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

No. MC 118199, filed December 8, 1958. Applicant: ROCHESTER INDEPEND-ENT PACKER, INC., 11 Independence Street, Rochester, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Pk., P.O. Box 25, Webster, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cocoa beans, bananas, frozen fruits, frozen berries, frozen vegetables, and certain exempt commodities, in mixed and straight shipment, between points in Maryland, New

Jersey, and New York.

No. MC 118200, filed December 8, 1958. Applicant: CHARLES SHERWOOD, doing business as CHARLES SHERWOOD PRODUCE, 710 West Seventh Street, Muncie, Ind. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from points in South Carolina, Florida, Alabama, and Louisiana to points in Ohio, Kentucky, Indiana, Illi-

nois, and Wisconsin.

No. MC 118217, filed December 8, 1958. Applicant: A. W. STURGEON AND HARRY MEEKER, doing business as STURGEON & MEEKER, 612 East 18th Street, Wichita, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Grandfather authority sought under section 7 of the. Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: frozen fruits, frozen berries, frozen vegetables, bananas, and certain exempt commodities in mixed shipments, and in straight shipments, from points in California, Louisiana, and Texas, to points in Kansas, Oklahoma, and Missouri.

No. MC 118234, filed December 8, 1958. Applicant: F. D. TROVER, 105 West Cleveland Street, Malden, Mo. Applicant's attorneys: Riddle & Baker, Malden, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., and the territory including ports on the Gulf of Mexico within continental United States, to points in Missouri, Illinois, Michigan, Nebraska, and Kansas.

No. MC 118249, filed December 9, 1958. Applicant: WOODROW W. WHIT-TAKER, Smyrna, Delaware. Applicant's

father authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from points in California, Connecticut, Delaware, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota. Nebraska, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, and Washington, to points in Alabama, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Illinois, Indiană, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, as more specifically set forth in the application, and also applicant seeks authority to continue the transportation of certain exempt commodities when in mixed or in straight shipments with frozen fruits, berries and vegetables.

No. MC 118260, filed December 9, 1958. Applicant: PAUL CHERRY, Route 1, Springdale, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C.; John H. Joyce, 26 North College, Fayetteville, Ark. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables and bananas, between points in Michigan, Louisiana, Alabama, Arkansas, Oklahoma, Penn-sylvania, Virginia, Texas, Missouri, Minnesota, Kansas, Ohio, Iowa, New Jersey, New York, Nebraska, and Maryland.

No. MC 118261, filed December 10, 1958. Applicant: ANTHONY J. CIRA-VOLO, doing business as A. J. C. PROD-UCE, 3419 44th Street, Metairie, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier. by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., to points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and Iowa.

No. MC 118288, filed December 9, 1958. Applicant: STEPHEN F. FROST, 2001 Sacramento Street, Los Angeles 21, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Los Angeles and points in the Los Angeles and Long Beach Harbor Zones, Calif.; to Billings, Butte, Great Falls, Havre, Lewistown, and Missoula, Mont.

No. MC 118294, filed December 10, 1958. Applicant: MIKE BANOVICH AND ED-WARD SCARLA, JR., doing business as attorney: William J. Augello, Jr., 99 Hud-son Street, New York 13, N.Y. Grand-COMPANY, 3130 West Northern Ave-

nue, Phoenix, Ariz. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables and bananas, from points in California to Phoenix, Ariz.

No. MC 118323, filed December 10, 1958. Applicant: PEPPER PACKING COM-PANY, a Corporation, 901 East 46th Avenue, Denver 16, Colo. Applicant's attorneys: Barry, Hupp and Dawkins, 738 Majestic Building, Denver 2, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables and bananas from points in California, Oregon, Washington, Idaho, Louisiana, Útah, and Colorado to Denver and Pueblo, Colo.

No. MC 118331, filed December 10, 1958. Applicant: LEROY GAINEY, doing business as GAINEY'S TRUCK LINE, 3949 Rivers Avenue, Charleston Heights, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cocoa beans, coffee beans, tea, and bananas, from Charleston, S.C., to Richmond, Va., New York, N.Y., Baltimore, Md., Chicago, Ill., Atlanta, Ga., and Cleveland and Columbus, Ohio. Applicant states that it has transported agricultural products to and from various points in South Carolina, North Carolina, Virginia, the District of Columbia, Maryland, Delaware, New Jersey, New York, Tennessee, Kentucky, Indiana, Ohio, Illinois, Georgia, Florida, Pennsylvania, Alabama, Mississippi, Louisiana, Michigan, and West Virginia, and also seeks authority to continue this opera-

No. MC 118335, filed December 10, 1958. Applicant: ROBERT K. GEHRET, doing business as GEHRET TRUCKING, 6002 Sixth Avenue, Altoona, Pennsylvania. Applicant's attorney: William T. Croft, 1624 Eye Street NW., Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from Brockport, Buffalo, Fairport, Medina, Middleport, North Rose, Ontario, and Webster, N.Y., and Lexington, N.C., to New York and Dunkirk, N.Y., Washington, D.C., Philadelphia and Pittsburgh,

Pa., Charleston, W. Va., and Chicago, Ill. No. MC 118337, filed December 10, 1958. Applicant: GLOVER PACKING CO. OF TEXAS, a corporation, 100 Grand, P.O. Box 92, Amarillo, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, from points in California to points in Texas.

No. MC 118338, filed December 10, 1958. Applicant: ROMAN GONZALEZ, doing business as GONZALEZ PRODUCE CO., 710 South Medina St., San Antonio, 'Texas. Applicant's attorney: Albert

Hermann, Alamo National Building, San Antonio, Texas. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, wool waste (carded, spun, woven or knitted), and certain exempt commodities, in mixed shipment and in straight shipment, between points in Alabama, Arizona, Oklahoma, Arkansas, California, Colorado, Louisiana, New Mexico, Texas, Georgia, Florida, and Mississippi.

No. MC 118354 (Sub No. 1), filed December 10, 1958. Applicant: REFRIG-ERATED SERVICE, INC., Route 2, Box 115, Walla Walla, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, berries and vegetables, from points in Umatilla County, Oreg., Snohomish, Franklin, and Benton Counties, Wash., and Canyon County, Idaho, and points in California to points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, California, Nevada, Arizona, Utah, Wyoming, Nebraska, Iowa, Illinois, Wisconsin, Kansas, Missouri, Indiana, and Ohio, including ports of entry on the International Boundary between the United States and Canada located in Washington, Idaho, and Montana.

No. MC 118359, filed December 10, 1958. Applicant: HARRY B. RICE, JR., AND WILLIAM S. BUTEUX, E. 5711 Third Avenue, Spokane, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, berries and vegetables, from points in California and Oregon to Billings, Butte, Great Falls, and Missoula, Mont., and points in Spokane County, Wash.

No. MC 118389, filed December 10, 1958. Applicant: R. D. TURNER, doing business as TURNER'S HIGHWAY EX-PRESS, 1050 Murphy Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, over irregular routes, transporting: Bananas, and certain exempt commodities, in straight and in mixed shipments, from New Orleans, La., Mobile, Ala., Tampa, Fla., and Charleston, S.C., to Atlanta and Thomasville, Ga., Knoxville, and Morristown, Tenn., Birmingham, Ala., and Dayton, Ohio.

No. MC 118397, filed December 10, 1958. Applicant: A. GEORGE WISE, doing business as WISE TRUCK LINES. 420 East 11th Street, Los Angeles 15, Calif. Applicant's attorney: Ivan Mc-Whinney, 639 South Spring Street, Los Angeles 14, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables and bananas, between El Paso, Tex., Nogales, Phoenix, and Tucson, Ariz., points in Los Angeles County, Calif., and San Diego, Bakersfield, Fresno, San Francisco, and Oakland, Calif.

No. MC 118419, filed December 9, 1958. Applicant: YORK PACKING CO., York, Nebr. Applicant's attorney: Barry, Hupp and Dawkins, 738 Majestic Building, Denver 2, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries and frozen vegetables, between points in California, Oregon, Washington, Colorado, Nebraska, and Idaho.

By the Commission.

ISEAL!

HAROLD D. McCOY, Secretary.

8:45 a.m.1

OFFICE OF CIVIL AND DEFENSE **MOBILIZATION**

HAROLD S. BLACKMAN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published September 10, 1958 (23 F.R. 7014).

Dated: February 1, 1959.

HAROLD S. BLACKMAN.

[F.R. Doc. 59-2732; Filed, Apr. 1, 1959; 8:45 a.m.1

GEOFFREY BAKER

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last report, published September 10, 1958 (23 F.R. 7014).

Dated: February 1, 1959.

GEOFFREY BAKER.

[F.R. Doc. 59-2733; Filed, Apr. 1, 1959; 8:45 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published September 19, 1958 (23 F.R. 7335).

Dated: March 5, 1959.

CARLTON S. DARGUSCH.

[F.R. Doc. 59-2734; Filed, Apr. 1, 1959; 8:45 a.m.1

ROBERT J. HARBISON, III

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Delete: Blaw-Knox.

No other changes from last report, published September 19, 1958 (23 F.R. 7335).

Dated: March 5, 1959.

ROBERT J. HARBISON, III.

[F.R. Doc. 59-2718; Filed, Apr. 1, 1959; [F.R. Doc. 59-2735; Filed, Apr. 1, 1959; 8:45 a.m.]

MORRIS LIEBERMAN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change except: Delete: Glen Alden Coal. Add: Columbia Gas; A. T. & T.

This amends statement published September 19, 1958 (23 F.R. 7335).

Dated: March 6, 1959.

MORRIS LIEBERMAN.

[F.R. Doc. 59-2736; Filed, Apr. 1, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division LEARNER EMPLOYMENT **CERTIFICATES**

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200), the firms listed in this notice have been issued special certifi-cates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill., effective 4-1-59 to 3-31-60 (men's and boys' cotton twill matched pants).

Camp Hill Industries, Camp Hill, Ala.; effective 3-18-59 to 3-17-60 (ladies' sports-wear).

The Falmouth Co., Falmouth, Ky.; effective 3-31-59 to 3-30-60 (dungarees and pants).

J. Grinchuck Co., Braidwood, Ill.; effective 3-18-59 to 3-17-60 (boys' trousers).

International Latex Corp., La Grange, Ga.; effective 4-4-59 to 4-3-60 (brassieres).

Oberman Manufacturing Co., Industrial Avenue, Jefferson City, Mo.; effective 3-23-59 to 3-22-60 (men's and boys' pants).

Oklahoma Clothing Manufacturers, Inc., Wewoka, Okla.; effective 3-24-59 to 3-23-60 (boys' cotton pants and jeans).

The Roswell Co., Roswell, Ga.; effective 3-24-59 to 3-23-60 (men's work pants).

J. H. Rutter-Rex Mig. Co., Inc., Columbia, Miss.; effective 3-23-59 to 3-22-60 (cotton work shirts).

Serbin, Inc., Fayetteville, Tenn.; effective 3-23-59 to 3-22-60. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses and sportswear).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 4-1-59 to 3-31-60 (cotton work clothing).

Windon Manufacturing Co., Church Street, Winona, Miss.; effective 3-31-59 to 3-30-60 (boys' and men's sport shirts).

Rosemont Dress Co., 860 Moss Street, Reading, Pa.; effective 3-23-59 to 3-22-60; 6 learners for normal labor turnover purposes (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

C & D Sportswear Corp., Adel, Ga.; effective 3-23-59 to 9-22-59; 15 learners (men's and boys' sports shirts).

Ely and Walker, Inc., Canton, Miss.; effective 3-23-59 to 9-22-59; 40 learners (men's sport shirts).

Fra-Man Brassiere Corp., Third and Magee Streets, Jeannette, Pa.; effective 3-23-59 to 9-22-59; 50 learners (ladles' brassieres).

Putnam Manufacturing Co., Inc., River Street, Mill Building No. 2, North Grosvernordale, Conn.; effective 3-23-59 to 9-22-59; 10 learners (children's snowsuits).

Temple Manufacturing Co., Temple, Okla.; effective 3-20-59 to 9-19-59; 50 learners (men's and boys' single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, I.a.; effective 3-25-59 to 9-24-59; 10 learners for plant expansion purposes (work gloves—canton fiannel).

Tex-Sun Glove Co., Corsicana, Texas; effective 3-23-59 to 3-22-60; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

The Batesville Co., Batesville, Miss.; effective 3-20-59 to 9-19-59; 25 learners for plant expansion purposes (seamless).

Davenport Hosiery Mills, Inc., Ellijay Plant, Ellijay, Ga.; effective 3-22-59 to 9-21-59; 40 learners for plant expansion purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 3-18-59 to 9-17-59; 11 learners for plant expansion purposes (seamless).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 3-20-59 to 9-19-59; 65 learners for plant expansion purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Sylvester Textile Corp., Sylvester, Ga.; effective 3-18-59 to 9-17-59; 30 learners for plant expansion purposes. (Ladies' and children's underwear.)

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The Fechheimer Brothers Co., 400 Pike Street, Cincinnati, Ohio; effective 3-18-59 to 9-17-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (wool uniforms).

hours (wool uniforms).

Picariello and Singer, Inc., 183 Orleans Street, East Boston, Mass.; effective 3–19–59 to 9–18–59; five percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, hand sewer, and finishing operations involving hand sewing each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (boys' tailored suits, slacks, sportcoats, topcoats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of March 1959.

MILTON BROOKE, Authorized Representative of the Administrator.

[F.R. Doc. 59-2757; Filed, Apr. 1, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during April. Proposed rules, as opposed to final actions, are identified as such.

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